

Regular Session, 2004

HOUSE BILL NO. 261

BY REPRESENTATIVE FUTRELL

CIVIL SERVICE: (Constitutional Amendment) Provides for eligibility for hiring preference points for veterans for original civil service or state police service employment

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A JOINT RESOLUTION

Proposing to amend Article X, Sections 10(A)(2) and 48(A)(2) of the Constitution of Louisiana, relative to the eligibility for preference points for veterans for civil service and state police service; to provide eligibility for veterans who served for a certain period of continuous service on active duty after a certain date and have served honorably in the armed forces of the United States; to provide for eligibility for preference points in the state police service for service during wars declared by congress; to provide that certain war periods and armed conflicts for eligibility for preference points for veterans for state police service shall be as provided by law; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article X, Sections 10(A)(2) and 48(A)(2) of the Constitution of Louisiana, to read as follows:

§10. Rules; Investigations; Wages and Hours

Section 10.(A) Rules.

\* \* \*



1 §48. Rules; Investigations; Wages and Hours

2 Section 48.(A) Rules.

3 \* \* \*

4 (2) Veterans. The director shall accord a five-point preference in original  
5 appointment to each person ~~honorably discharged, or discharged under honorable~~  
6 ~~conditions from the armed forces of the United States who served in the Vietnam Era~~  
7 ~~from July 1, 1958 through May 7, 1975, except the period of July 1, 1958 through~~  
8 ~~August 4, 1964, shall apply only to those who served within the area known as the~~  
9 ~~Vietnam Theater,~~ who served honorably in the armed forces of the United States  
10 during a war declared by the United States Congress; or in a peacetime campaign or  
11 expedition for which campaign badges are authorized; or for at least one hundred  
12 eighty continuous days on active duty after December 31, 1991; or during war period  
13 dates or dates of armed conflicts as provided by state law enacted by two-thirds of the  
14 elected members of each house of the legislature. The director shall accord a  
15 ten-point preference in original appointment to each honorably discharged veteran  
16 who served either in peace or in war and who has one or more disabilities recognized  
17 as service-connected by the Veterans Administration; to the spouse of each veteran  
18 whose physical condition precludes his or her appointment to the state police service;  
19 to the unremarried widow of each deceased veteran who served in a war period, as  
20 defined above, or in a peacetime campaign or expedition; or to the unremarried  
21 widowed parent of any person who died in active wartime or peacetime service or  
22 who suffered total and permanent disability in active wartime or peacetime service;  
23 or the divorced or separated parents of any person who died in wartime or peacetime  
24 service or who became totally and permanently disabled in wartime or peacetime  
25 service. However, only one ten-point preference shall be allowed in the original  
26 appointment to any person enumerated above. If the ten-point preference is not used  
27 by the veteran, either because of the veteran's physical or mental incapacity which  
28 precludes his appointment to the classified state police service or because of his death,  
29 the preference shall be available to his spouse, unremarried widow, or eligible parents

1 as defined above, in the order specified. However, any such preference may be given  
2 only to a person who has attained at least the minimum score required on each test  
3 and who has received at least the minimum rating required for eligibility.

4 \* \* \*

5 Section 2. Be it further resolved that this proposed amendment shall be submitted to  
6 the electors of the state of Louisiana at the statewide election to be held on November 2,  
7 2004.

8 Section 3. Be it further resolved that on the official ballot to be used at the election  
9 there shall be printed a proposition, upon which the electors of the state shall be permitted to  
10 vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall read  
11 as follows:

12 To provide that persons who served honorably in the armed forces of the  
13 United States for at least one hundred eighty continuous days on active duty  
14 after December 31, 1991, are eligible for the veterans' five-point preference  
15 for original state police service employment or original civil service  
16 employment by the state, by the city of New Orleans, or by any other civil  
17 service system governed by the same provisions of the constitution; to provide  
18 that persons who served honorably in the armed forces of the United States  
19 during a war declared by the United States Congress or in a peacetime  
20 campaign or expedition for which campaign badges are authorized are eligible  
21 for the veterans' five-point preference for original state police service  
22 employment; and to permit the legislature to provide for the addition of war  
23 periods or armed conflicts for such eligibility by state law enacted by a two-  
24 thirds vote. (Amends Article X, Sections 10(A)(2) and 48(A)(2))

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

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Futrell

HB No. 261

**Abstract:** Provides eligibility for the five-point preference for original appointment for civil service and state police service employment to veterans who have served honorably in the U.S. armed forces and who served for at least 180 days continuous service on active duty after Dec. 31, 1991; and makes the eligibility provision for the five-point preference for original appointment in the state police service the same as that for state civil service.

Present constitution provides that each person who served honorably in the armed forces of the U.S. during a war declared by congress or during a peacetime campaign or expedition for which campaign badges are authorized are eligible to receive the five-point preference for original appointment by the state civil service department, the city of New Orleans civil service department (the civil service department of each city having a population over 400,000), and civil service departments of cities and parishes which elect to be governed by the provisions of Part I of Art. X of the constitution.

Proposed constitutional amendment additionally allows those persons who served honorably in the armed forces of the U.S. for no less than 180 continuous days on active duty after December 31, 1991, to be eligible for the five-point preference.

Present constitution also provides that the director of the state police service shall accord a five-point preference in original appointment to each person honorably discharged, or discharged under honorable conditions from the armed forces of the U.S. for service during the Vietnam era from July 1, 1958 through May 7, 1975 (except that the period of July 1, 1958 through August 4, 1964, shall apply only to those who served in the Vietnam Theater) or in a peacetime campaign or expedition for which campaign badges are authorized; a 10-point preference in original appointment to each honorably discharged veteran who served either in peace or in war and who has one or more service-connected disabilities, to the spouse of a veteran whose physical condition precludes his or her appointment to the state police service; to the unremarried widow of each deceased veteran who served in a war period as specified above; to the unremarried widowed parent of a veteran who died or suffered total and permanent disability in war or peacetime service; or to the divorced or separated parents of such a veteran. Provides that if the 10-point preference is not used by the veteran, either because of the veteran's physical or mental incapacity which precludes his or her appointment to a civil service job in his or her usual line of work or because of his death, then the preference shall be available to his or her spouse, unremarried widow, or eligible parents in such order. Only one 10-point preference is allowed. Provides that any such preference may be given only to a person who has attained at least the minimum score required on each test and who has received at least the minimum rating required for eligibility.

Proposed constitutional amendment deletes the specific reference to certain dates and the Vietnam era in present constitution and removes specific language relative to an honorable discharge or a discharge under honorable conditions and provides instead that each person who served honorably in the armed forces of the U.S. during a war declared by congress or during a peacetime campaign or expedition for which campaign badges are authorized or for no less than 180 continuous days on active duty after Dec. 31, 1991, or during any war period dates or dates of armed conflicts as provided by state law enacted by a two-thirds vote of the elected members of each house of the legislature is eligible to receive the five-point preference

for original appointment in the state police service. Proposed constitutional amendment otherwise retains present constitution.

Provides for submission of the proposed amendment to the voters at the statewide election on November 2, 2004.

(Amends Const. Art. X, §§10(A)(2) and 48(A)(2))