

Regular Session, 2004

HOUSE BILL NO. 261

BY REPRESENTATIVES FUTRELL, ARNOLD, BRUNEAU, GALLOT, JEFFERSON,
LANCASTER, MONTGOMERY, MURRAY, PITRE, AND SMILEY

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

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 (2) Veterans. The state and city civil service departments shall accord a
2 five-point preference in original appointment to each person who served honorably
3 in the armed forces of the United States during a war declared by the United States
4 Congress; or in a peacetime campaign or expedition for which campaign badges are
5 authorized; or for at least ninety days after September 11, 2001, for reasons other
6 than training; or during war period dates or dates of armed conflicts as provided by
7 state law enacted by two-thirds of the elected members of each house of the
8 legislature. The state and city civil service departments shall accord a ten-point
9 preference in original appointment to each honorably discharged veteran who served
10 either in peace or in war and who has one or more disabilities recognized as
11 service-connected by the Veterans Administration; to the spouse of each veteran
12 whose physical condition precludes his or her appointment to a civil service job in his
13 or her usual line of work; to the unremarried widow of each deceased veteran who
14 served in a war period, as defined above, or in a peacetime campaign or expedition;
15 or to the unremarried widowed parent of any person who died in active wartime or
16 peacetime service or who suffered total and permanent disability in active wartime or
17 peacetime service; or the divorced or separated parents of any person who died in
18 wartime or peacetime service or who became totally and permanently disabled in
19 wartime or peacetime service. However, only one ten-point preference shall be
20 allowed in the original appointment to any person enumerated above. If the ten-point
21 preference is not used by the veteran, either because of the veteran's physical or
22 mental incapacity which precludes his appointment to a civil service job in his usual
23 line of work or because of his death, the preference shall be available to his spouse,
24 unremarried widow, or eligible parents as defined above, in the order specified.
25 However, any such preference may be given only to a person who has attained at least
26 the minimum score required on each test and who has received at least the minimum
27 rating required for eligibility.

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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; or during a war declared by the United States Congress; or in a
10 peacetime campaign or expedition for which campaign badges are authorized; or for
11 at least ninety days after September 11, 2001, for reasons other than training; or
12 during war period dates or dates of armed conflicts as provided by state law enacted
13 by two-thirds of the elected members of each house of the legislature. The director
14 shall accord a ten-point preference in original appointment to each honorably
15 discharged veteran who served either in peace or in war and who has one or more
16 disabilities recognized as service-connected by the Veterans Administration; to the
17 spouse of each veteran whose physical condition precludes his or her appointment to
18 the state police service; to the unremarried widow of each deceased veteran who
19 served in a war period, as defined above, or in a peacetime campaign or expedition;
20 or to the unremarried widowed parent of any person who died in active wartime or
21 peacetime service or who suffered total and permanent disability in active wartime or
22 peacetime service; or the divorced or separated parents of any person who died in
23 wartime or peacetime service or who became totally and permanently disabled in
24 wartime or peacetime service. However, only one ten-point preference shall be
25 allowed in the original appointment to any person enumerated above. If the ten-point
26 preference is not used by the veteran, either because of the veteran's physical or
27 mental incapacity which precludes his appointment to the classified state police
28 service or because of his death, the preference shall be available to his spouse,
29 unremarried widow, or eligible parents as defined above, in the order specified.

DIGEST

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

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 been honorably discharged from the U.S. armed forces and who served for at least 90 days continuous service on active duty after Sept. 11, 2001.

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, or during war period dates or dates of armed conflicts as provided by state law enacted by 2/3 of the elected members of each house of the legislature is 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 makes those persons who served honorably in the armed forces of the U.S. for no less than 90 days after Sept. 11, 2001, for reasons other than training, 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.

Proposed constitutional amendment provides also that each person honorably discharged from the armed forces of the U.S. who served during a war declared by congress or for no less than 90 days after Sept. 11, 2001, for reasons other than training, or during any war period dates or dates of armed conflicts as provided by state law enacted by a 2/3 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.

Present constitution (for state and city civil service in Art. X, § 1 and state police service) also grants 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. Present constitution 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 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))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Changes proposed provision relative to service required to receive the five-point preference from at least 180 days after Dec. 31, 1991 to at least 90 days after Sept. 11, 2001, for reasons other than training.
2. Retains language from the present constitution relative to the state police service regarding an honorable discharge or a discharge under honorable conditions and specific references to certain dates in the Vietnam Era.