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The original instrument was prepared by Jerry J. Guillot. The following digest, which does not constitute a part of the legislative instrument, was prepared by H. David Smith.

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Hainkel (SB 27)

DIGEST

Present constitution provides that a classified state employee subjected to discipline has a right of appeal to the State Civil Service Commission. (Const. Art. X, Sec. 8(A) and 12(A))

Present law provides for termination of state employees both classified or unclassified and removal of such employee from his position of employment with the state upon conviction, during his employment, of a felony as defined by state or federal law. (R.S. 42:1414)

The La. Supreme Court in *AFSCME, Council # 17 v. State ex rel. Dept. of Health and Hospitals*, 789 So. 2d 1263(La. 2001), held that present law (R.S. 42:1414) violated the separation of powers principle as applied to classified state employees.

Proposed constitutional amendment requires that the legislature provide by general law for the removal of any state or local public official or employee, whether classified or unclassified, from his position of employment or office, upon conviction, during his employment or office, of a felony as defined by law.

Specifies submission of the amendment to the voters at the statewide election to be held on 11/5/02.

(Adds Const. Art. X, Sec. 25.1)

Summary of Amendments Adopted by Senate

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

1. Authorizes removal of a local public official and local employee upon conviction of a felony during his term of office or employment.