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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry J. Guillot.

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Hainkel (SB 27)

DIGEST

Present constitution requires that the legislature provide by general law for the removal by suit of any state, district, parochial, ward, or municipal official, except the governor, lieutenant governor, and judges of the courts of record, for commission or conviction, during his term of office, of a felony.

Present law provides for the removal of a public officer from office for conviction, during his term of office, of a felony. Defines "public officer" as any person holding a public office, whether state, district, parochial, ward, or municipal, whether the person is elected or appointed except judges of the courts of record.

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, district, parochial, ward, or municipal employee, whether classified or unclassified, from his position of employment for commission or conviction, during his employment, of a felony as defined by law. "Conviction" as used in this Section, means a conviction that is final and all appellate review of the original trial court proceedings is exhausted.

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.

Senate Floor Amendments to engrossed bill.

1. Deletes reference to public officials and changes reference from "local employees" to "district, parochial, ward, or municipal employees"

2. Includes application to commission as well as conviction of a felony during employment.
3. Clarifies "conviction" to mean a final conviction.