

GREEN SHEET REDIGEST

HB 858

2016 Regular Session

Montoucet

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

Provides relative to the members of the municipal fire and police civil service board.

DIGEST

Present constitution creates a fire and police civil service system applicable to municipalities of over 13,000 in population and parishes and fire protection districts. Provides that the system is subject to Art. XIV, §15.1 of the 1921 constitution made statutory by the 1974 constitution.

Present law creates and provides for two fire and police civil service systems: (1) one applicable to any municipality which operates paid police and fire departments and which has a population of not fewer than 13,000 persons; and (2) one applicable to any parish, fire protection district, or municipality with a population of fewer than 13,000, but not fewer than 7,000 persons.

Proposed law retains present law.

Present law, relative to both systems, provides that a municipal fire and police civil service board is created in the municipal government. Provides that the board is composed of five members who shall serve without compensation. Requires that the first five members of a board be appointed by the governing body during the 90 day period immediately following the date that present law takes effect.

Proposed law retains present law additionally provides that if the governing body fails to appoint the members and the state examiner has given written notification to the governing body of its failure to appoint such members, then the governing board must make the appointments within 90 days following the notification. Requires the state examiner, if the governing body fails to make appointments as required by present law, to seek a writ of mandamus which will lie to the court of original and unlimited jurisdiction in the parish in which the office of state examiner is domiciled.

Present law, relative to the two members who shall be first nominated and elected by and from the regular employees of the fire and police departments, requires that such members be elected by secret ballot of the regular employees of their respective departments at an election to be called and held for that purpose by the chief of the department.

Proposed law retains present law but additionally provides that if, after the close of nominations, the name of only one regular employee has been placed in nomination, then that nominee shall be declared elected.

Present law provides that any member of a board shall be liable to removal from office by judgment of the district court of his domicile for high crimes and misdemeanors in office, incompetency, corruption, favoritism, extortion, oppression in office, gross misconduct, or habitual drunkenness. Provides that the district attorney of the district wherein the board member resides can institute such suit, and shall do so upon the written request, specifying the charges, of 25 citizens and taxpayers of the municipality of which the board member is a resident.

Proposed law changes present law to provide for the removal of the board member by the district court of the domicile of the board and the initiation of such by the district attorney of the district wherein the board is domiciled.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 33:2476(C) and 2536(C))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal
Affairs to the engrossed bill

1. Add provisions regarding proper jurisdiction for removal of a board member.