

RÉSUMÉ DIGEST

ACT 667 (HB 858)

2016 Regular Session

Montoucet

Existing 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. Existing 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.

Existing 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.

New 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 the appointments, 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.

Existing law, relative to the two members 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 called by the chief of the department.

New law 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.

Existing law provides that any member of a board shall be liable to removal from office for high crimes and misdemeanors in office, incompetency, corruption, favoritism, extortion, oppression in office, gross misconduct, or habitual drunkenness. Prior law provided for removal by judgment of the district court of the board member's domicile. New law instead provides for removal by judgment of the court of original and unlimited jurisdiction in civil suits of the parish where the board is domiciled.

Prior law authorized the district attorney of the district where the board member resided to institute a suit for removal, and required him to do so upon the written request, specifying the charges, of 25 citizens and taxpayers of the municipality, parish, or fire protection district of which the board member is a resident.

New law instead requires the district attorney where the board is domiciled, rather than where the board member resides, to initiate a suit for removal. Removes requirement that the 25 citizens reside in the same locality as the board member. Additionally removes the authority granted to the district attorney to initiate a suit for removal on his own accord.

Effective upon signature of governor (June 17, 2016).

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