

2016 Regular Session

HOUSE BILL NO. 503

BY REPRESENTATIVE LEOPOLD

CIVIL SERVICE: (Constitutional Amendment) Provides relative to civil service systems
in certain cities and parishes

A JOINT RESOLUTION

Proposing to amend Article X, Section 14(B) and to add Article X, Section 14(D) of the Constitution of Louisiana, relative to city civil service; to provide relative to cities and parishes that have established city civil service systems by election; to provide relative to the continuation of such systems; 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, Section 14(B) and to add Article X, Section 14(D) of the Constitution of Louisiana, to read as follows:

§14. Acceptance of Act; Other Cities, Parishes, City and Parish Governed Jointly

* * *

(B) Acceptance. If a majority of the electors vote to adopt this Part, its provisions shall apply ~~permanently~~ to the city, the parish, or the city-parish, as the case may be, and shall govern it as if this Part had originally applied to it. In such case, all officers and employees of the city, the parish, or the city-parish, as the case may be, who have acquired civil service status under a civil service system established by legislative act, city charter, or otherwise, shall retain that status and

1 thereafter shall be subject to and be governed by this Part and the rules and
2 regulations adopted under it.

3 * * *

4 (D)(1) Continuation. The governing authority of a city, parish, or city-
5 parish, hereafter referred to in this Paragraph as a local governmental subdivision,
6 that has elected to be governed by this Part pursuant to an election held as provided
7 in Paragraph A of this Section may hold another election for the purpose of allowing
8 the qualified electors of the local governmental subdivision to determine if it shall
9 continue to be governed by this Part. No such election shall be held within three
10 years of the election to be governed by this Part as provided in Paragraph A of this
11 Section.

12 (2) If a majority of the qualified electors voting on the proposition at an
13 election held pursuant to Subparagraph (1) of this Paragraph determine that the local
14 governmental subdivision shall no longer be governed by this Part, the provisions of
15 this Part shall no longer be applicable to the local governmental subdivision.

16 (3) If a majority of the qualified electors voting on the proposition at an
17 election held pursuant to Subparagraph (1) of this Paragraph determine that the local
18 governmental subdivision shall continue to be governed by this Part, the respective
19 governing authority shall take no action to abolish the system, and no election shall
20 be held for the purpose of submitting the same proposition to the qualified electors
21 for at least three years from the date of the election held pursuant to Subparagraph
22 (1) of this Paragraph.

23 Section 2. Be it further resolved that this proposed amendment shall be submitted
24 to the electors of the state of Louisiana at the statewide election to be held on November 8,
25 2016.

26 Section 3. Be it further resolved that on the official ballot to be used at the election,
27 there shall be printed a proposition, upon which the electors of the state shall be permitted
28 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
29 follows:

1 Do you support an amendment to authorize a local government where the
 2 voters have approved implementation of a constitutional civil service system
 3 for its employees to hold another election to allow the voters to decide to
 4 cease operation of the civil service system? (Amends Article X, Section
 5 14(B); Adds Article X, Section 14(D))

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 503 Original

2016 Regular Session

Leopold

Abstract: Authorizes a city, parish, or city-parish that has implemented a classified system of employment through an election to call and hold another election for the purpose of submitting to qualified electors the question of whether or not the city, parish, or city-parish shall continue to implement the classified system of employment.

Present constitution (Art. X, Part I) establishes the city civil service system and includes all persons holding offices and positions of trust or employment in the employ of each city having over four hundred thousand population and in every instrumentality thereof. Provides for the exclusion of paid firemen and municipal policemen. Provides that the city civil service is divided into the unclassified and the classified service. Provides for those included within the unclassified service. Establishes a department of city civil service in each city.

Present constitution provides that permanent appointments and promotions in the classified city civil service shall be made only after certification by the department of civil service under a general system based upon merit, efficiency, fitness, and length of service, as ascertained by examination which, so far as practical, shall be competitive. Provides that no person who has gained permanent status in the city civil service shall be subject to disciplinary action, except for cause expressed in writing. Provides that such person shall have the right of appeal before the commission.

Present constitution vests the commission with broad and general rulemaking and subpoena powers for the administration and regulation of the classified service, including the power to adopt rules regulating employment, promotion, demotion, and compensation and disbursements and also the power to adopt a uniform pay and classification plan.

Proposed constitutional amendment retains present constitution.

Present constitution authorizes each city having a population exceeding 10,000 but not exceeding 400,000, each parish, and each parish governed jointly with one or more cities under a plan of government having a population exceeding 10,000, to elect to be governed by the provisions of present constitution if approved by a majority of its electors voting at an election held for that purpose. Requires that the election be ordered and held upon either of the following:

- (1) Adoption of an ordinance by the governing authority calling the election.

- (2) Presentation to the governing authority of a petition calling for such an election signed by electors equal in number to 5% of the registered voters of the city, parish, or city-parish.

Proposed constitutional amendment retains present constitution.

Proposed constitutional amendment authorizes each city, parish, or city-parish that has elected to be governed by present constitution to hold another election for the purpose of allowing the qualified electors to determine if the city, parish, or city-parish shall continue to be governed by present constitution. Provides that no such election can be held within three years of the date of the election to be governed by present constitution.

Proposed constitutional amendment provides that if a majority of the qualified electors voting on the proposition at an election held for that purpose determine that the city, parish, or city-parish shall no longer be governed by present constitution, then the provisions shall no longer be applicable. Prohibits the governing authority from taking any action if a majority of the qualified electors determine that the city, parish, or city-parish shall continue to be governed by present constitution and provides that no election may be held for the purpose of submitting the same proposition to the qualified electors for at least three years from the date of the election.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 8, 2016.

(Amends Const. Art. X, §14(B); Adds Const. Art. X, §14(D))