2021 Regular Session

HOUSE BILL NO. 261

#### BY REPRESENTATIVE STAGNI

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL SERVICE/FIRE & POL: Provides relative to the qualifications of the members of the municipal fire and police civil service board

1	AN ACT		
2	To enact R.S. 33:2476(B)(1)(f) and 2536(B)(1)(d), relative to the municipal fire and police		
3	civil service board; to provide relative to the members of the board; to provide		
4	relative to the qualifications of such members; to require the respective governing		
5	body to conduct a background check on any person being considered for		
6	appointment to a board; and to provide for related matters.		
7	Be it enacted by the Legislature of Louisiana:		
8	Section 1. R.S. 33:2476(B)(1)(f) and 2536(B)(1)(d) are hereby enacted to read as		
9	follows:		
10	§2476. Municipal fire and police civil service boards		
11	* * *		
12	B.(1)		
13	* * *		
14	(f) Notwithstanding any other provision of law to the contrary, the governing		
15	body of the respective municipality shall conduct a background check on any person		
16	who is under consideration for appointment to the board. No person is eligible for		
17	appointment or may serve as a member of the board if his background check reveals		
18	that either of the following has occurred in the ten years immediately preceding his		
19	appointment:		
20	(i) He has been convicted of a felony.		

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(ii) He has committed a civil rights violation, as determined by a legally		
2	binding agreement or finding.		
3	* * *		
4	§2536. Fire and police civil service boards		
5	* * *		
6	B.(1)		
7	* * *		
8	(d) Notwithstanding any other provision of law to the contrary, the		
9	governing body of the respective parish, municipality, or fire protection district shall		
10	conduct a background check on any person who is under consideration for		
11	appointment to the board. No person is eligible for appointment or may serve as a		
12	member of the board if his background check reveals that either of the following has		
13	occurred in the ten years immediately preceding his appointment:		
14	(i) He has been convicted of a felony.		
15	(ii) He has committed a civil rights violation, as determined by a legally		
16	binding agreement or finding.		
17	* * *		

# 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 261 Reengrossed	2021 Regular Session
--------------------	----------------------

Stagni

**Abstract:** Relative to the municipal fire and police civil service board, requires the respective governing body to conduct a background check on each person under consideration for appointment to a board.

<u>Present constitution</u> 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.

<u>Present law</u> 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 constitution and present law.

<u>Present law</u>, creates a municipal fire and police civil service board in each parish, municipality, and fire protection district composed of five members appointed by the respective governing body. Requires that at least two members of the board be appointed who shall be first nominated and elected by and from the regular employees of the fire and police departments. Provides further with respect to the qualifications of board members.

<u>Proposed law</u> retains <u>present law</u> and additionally requires the respective governing body to conduct a background check on any person being considered for appointment to the board. Provides that no person is eligible for appointment or may serve as a member of the board if his background check reveals that he has been convicted of a felony or has committed a civil rights violation in the 10 years immediately preceding his appointment.

(Adds R.S. 33:2476(B)(1)(f) and 2536(B)(1)(d))

## Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Municipal, Parochial</u> <u>and Cultural Affairs</u> to the <u>original</u> bill:
- 1. Remove <u>proposed law</u> that prohibits a person from being appointed to serve on the board if he has been convicted of or terminated from previous employment for certain criminal or civil offenses in the 10 years prior to appointment and instead prohibits a person from being appointed to serve on the board if he has been convicted of a felony in the 10 years prior to appointment.

### The House Floor Amendments to the engrossed bill:

1. Prohibit a person who has committed a civil rights violation in the previous 10 years from serving on a board.