

---

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)]

---

Morrell

SB No. 207

Present constitution (Art X, Sec. 1(B)) establishes a city civil service system in cities having a population of over 400,000; however, paid firemen and municipal policemen may be excluded if a majority of the electors in the affected city voting at an election held for that purpose approve their exclusion. Requires that the election be called by the municipal governing authority within one year after the effective date of the present constitution.

Proposed law retains present constitution and provides that in the event that the civil service of any city pursuant to the city civil service provisions of present constitution is determined by a final judgment of a court of competent jurisdiction to not be subject to such provisions, the civil service of the city shall be subject to the jurisdiction of the state civil service system. Provides that proposed law shall not apply to any municipality with a population of not less than 215,000 and not more than 300,000 persons.

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. Present constitution authorizes modifications to such systems (by law adopted by 2/3 of each house of the legislature in the case of provisions of Art. XIV, §15.1 of the 1921 constitution made statutory by the constitution of 1974) but prohibits the legislature from abolishing the system or making it inapplicable to covered jurisdictions.

Proposed law retains present constitution and present law and additionally provides, relative to the system applicable to any municipality which operates paid police and fire departments and which has a population of not fewer than 13,000 persons, that in the event that the civil service of any municipality pursuant to present law is determined by a final judgment of a court of competent jurisdiction to not be subject to present law, the civil service of the municipality shall be subject to the jurisdiction of the state civil service system. Provides that proposed law shall not apply to any municipality with a population of not less than 215,000 and not more than 300,000 persons.

Present law creates and provides for a city civil service system in municipalities with a population exceeding 100,000. Provides that provisions of present law shall not apply to municipalities governed by the municipal fire and police civil service system as provided in present law.

Proposed law retains present law and provides that in the event that the civil service of any municipality pursuant to present law is determined by a final judgment of a court of competent jurisdiction to not be subject to present law, the civil service of the municipality shall be subject to the jurisdiction of the state civil service system. Provides that proposed law shall not apply to any municipality with a population of not less than 215,000 and not more than 300,000 persons.

(Amends R.S. 33:2391, 2471 and 2591; Adds R.S. 33:2588)

Summary of Amendments Adopted by Senate

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

1. Adds provisions regarding a court determination of inapplicability of present constitution and law.

Senate Floor Amendments to engrossed bill

1. Clarifies that the population size of a municipality shall be based upon the latest regular federal decennial census.
2. Makes technical changes.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the reengrossed bill.

1. Provides that proposed law shall not apply to any municipality with a population of not less than 215,000 and not more than 300,000 persons.