

FACT SHEET**CITY OF SHREVEPORT, LOUISIANA****TITLE**

A Resolution authorizing the marshal of the City Court of Shreveport to receive in addition to the salary paid to him by the city of Shreveport, the same fees as are payable to constables of justice of the peace courts, up to fifty percent of the salary paid by the city of Shreveport, and to otherwise provide with respect thereto.

DATE

August 23, 2022

ORIGINATING DEPARTMENT**COUNCIL DISTRICT****SPONSOR****PURPOSE**

To comply with Act 230 of 2022, which became effective August 1, 2022.

BACKGROUND INFORMATION

On March 4, 2022, Louisiana State Representative Alan Seabaugh (Rep. Seabaugh) prefiled HB 719 (Attachment "B"), which amended and reenacted La. R.S. 13:1883(D)(1), relative to certain marshals of city courts; to provide for the salary of the marshal of the city court of Shreveport; and to provide for related matters. The matter was referred to the Louisiana House of Representatives (House) Committee on Judiciary.

On April 20, 2022, Rep. Seabaugh amended HB 719 (Attachment "C"), to include the enactment of La. R.S. 13:1883(D)(3), which allowed the marshal of the City Court of Shreveport to receive in addition to the salary paid to him by the city of Shreveport the same fees as are payable to constables of justice of the peace courts, up to fifty percent of the salary paid by the city of Shreveport, and for the remainder of those fees and commissions collected to be used to defray the operational and necessary related expenses of the office of the marshal. HB 719 with this amended was passed out of the Committee on Judiciary by a vote of 11-0 and scheduled for floor debate.

On May 2, 2022, HB 719, with its amendments, was passed by a vote of 91 yeas, 0 nays and ordered to Louisiana State Senate (Senate). On May 3, 2022, HB 719 was received by the Senate, and referred to the Senate's Committee on Judiciary B, where it was reported favorably.

On May 25, 2022, HB 719 passed the Senate by a vote of 38 yeas, 0 nays and ordered returned to the House.

On May 26, 2022, HB 719 was signed the Speaker of the House and President of the Senate.

On May 31, 2022, HB 719 was signed by the Governor, becoming Act. No. 230 (Attachment "D") and having an effective date of August 1, 2022.

TIMETABLE**ATTACHMENT(S)**

Introduction: August 23, 2022
Final August 23, 2022
Passage:

Attachment "A" - HB719 bill info
Attachment "B" - HB719 original version
Attachment "C" - HB719 amendment
Attachment "D" - Act 230 of 2022
Attachment "E" - La. R.S. 13:1883, version
prior to enactment of Act 230 of 2022

SPECIAL PROCEDURAL REQUIREMENTS

None

FINANCES

\$24,000.00

SOURCE OF FUNDS

Marshals Office Discretionary fund

ALTERNATIVES

(1) Adopt the resolution as submitted, or (2) Amend the resolution, or (3) Reject the resolution.

RECOMMENDATION

FACT SHEET PREPARED BY: Danielle N. Brown
Assistant City Attorney

RESOLUTION NO. _____ OF 2022

A RESOLUTION AUTHORIZING THE MARSHAL OF THE CITY COURT OF SHREVEPORT TO RECEIVE IN ADDITION TO THE SALARY PAID TO HIM BY THE CITY OF SHREVEPORT, THE SAME FEES AS ARE PAYABLE TO THE CONSTABLES OF JUSTICE OF THE PEACE COURTS, UP TO FIFTY PERCENT OF THE SALARY PAID BY THE CITY OF SHREVEPORT, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY COUNCILMEMBER:

WHEREAS, La. R.S. 13:1883(A)(14) sets the minimum salary of the marshal for the city court of Shreveport is \$12,500, which is to be paid by the city of Shreveport only.

WHEREAS, La. R.S. 13:1883(E) states, "The governing authority of the city of Shreveport may increase the compensation of the marshal of the city court in such amount over and above that fixed by Subsection A of this section as it may determine."

WHEREAS, Section 4.33 of the Shreveport City Charter states, "For the purpose of exercising special authority granted the city under the provisions of the constitution and laws of the state and the Constitution and laws of the United States, the council shall be deemed the governing authority of the municipality. Unless the same be contrary to specific provisions of said constitutions and laws, this authority shall be exercised by resolution of the council or ordinance adopted in the manner provided therefor and subject to the exercise of the veto power vested in the mayor".

WHEREAS, La. R.S. 13:1881(B) states in part, "...nothing herein shall authorize the city marshal to fix or supplement his own salary..."

WHEREAS, on May 31, 2022, the Governor of Louisiana signed into law Act 230 of 2022.

WHEREAS, Act 230 of 2022 became effective August 1, 2022.

WHEREAS, Act 230 of 2022 allows: (1) the Shreveport City Marshal's Office to receive the same fees as are payable to constables of justice of peace courts, and (2) allows the City Marshal to received additional compensation above his salary. This additional compensation received is to come from those fees payable to constable of justice of peace courts and cannot exceed 50% of the city marshal's salary, with the remainder of the fees and commission collected going to the operational and necessary expenses of the office of the marshal.

NOW THEREFORE, BE IT RESOLVED that as of August 1, 2022, the marshal of the city court of Shreveport will receive additional compensation from those fees payable to constables of justice of peace courts not to exceed fifty percent (50%) of his salary and that any remaining fees collected be used to defray the operational and necessary related expenses of the office of the marshal, as prescribed by La. R.S. 13:1883(D)(3).

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or application of this resolution which can be given effect without the invalid provisions, items, or application and, to this end, the provisions of this resolution are hereby declared servable; and

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

APPROVED AS TO LEGAL FORM:

City Attorney's Office