

2016 Regular Session

HOUSE BILL NO. 308

BY REPRESENTATIVES BACALA, ADAMS, AMEDEE, BERTHELOT, EDMONDS, FALCONER, GAROFALO, GISCLAIR, GUINN, MIKE JOHNSON, NANCY LANDRY, MIGUEZ, GREGORY MILLER, JAY MORRIS, AND PYLANT

PUBLIC OFFICIALS: Prohibits the granting of increases in pay for state executive branch officials and employees during a certain period of time and provides for personal liability for the aggregate amount of such increases for a period of three years

1 AN ACT

2 To enact Chapter 10 of Title 42 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 42:541 and 542, relative to public officers and employees; to prohibit the  
4 granting or authorizing of increases in pay for state officials and employees during  
5 a certain period of time; to provide for personal liability of persons responsible for  
6 granting or authorizing such raises; to provide for enforcement; and to provide for  
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 10 of Title 42 of the Louisiana Revised Statutes of 1950,  
10 comprised of R.S. 42:541 and 542, is hereby enacted to read as follows:

11 CHAPTER 10. PROHIBITED PAY INCREASES

12 §541. Pay increases; prohibited

13 A. If, during the time period between the regularly scheduled gubernatorial  
14 primary election and the second Monday in January next following the election, a  
15 budget status report required by R.S. 39:75 indicates that a projected deficit exists,  
16 no public official, employee, board, or commission in the executive branch of state  
17 government shall increase or authorize an increase in the salary of any official or

1 employee in the office, department, board, commission, agency, or institution under  
2 the authority of the public official or employee or board or commission during that  
3 time period after the submission of such a budget status report except for an increase  
4 in the salary of a classified employee for a promotion or reallocation in a career  
5 progression group granted in accordance with civil service rules and procedures.

6 B.(1) If one or more increases in salary are granted or authorized by a public  
7 official or employee in violation of Subsection A of this Section, the public official  
8 or employee who increased the salary or authorized the increase in salary shall be  
9 personally liable for the total amount of increases in salary paid pursuant to an  
10 authorization in violation of Subsection A of this Section for a total of three fiscal  
11 years following the increase.

12 (2) If one or more increases in salary are granted or authorized by a board  
13 or commission in violation of Subsection A of this Section, each member of the  
14 board or commission who voted in favor of the action granting or authorizing the  
15 increase in salary shall be personally liable in equal amount for his proportionate  
16 share in the total amount of increases in salary paid pursuant to a grant or  
17 authorization in violation of Subsection A of this Section for a total of three fiscal  
18 years following the increase.

19 C.(1) For the purposes of this Chapter, the term "public official" shall mean  
20 a person holding a state office, elective or appointive, or any position on a state  
21 board or commission, elective or appointive, if the office or position is established  
22 by the constitution or laws of this state.

23 (2) For the purposes of this Section, the phrase "increase in salary" shall not  
24 include any increase in salary that is granted to an employee of an institution of  
25 higher education and that is funded solely from an endowment, scholarship, gift,  
26 donation, grant, or award of money from the federal government or from a private  
27 person or legal entity.

1        §542. Enforcement; deposit of funds

2                A. If a violation of this Chapter occurs, the attorney general shall institute  
 3        a civil action to collect the funds owed the state in accordance with R.S. 42:541.

4        However, if the public official in violation of this Chapter is the attorney general, the  
 5        district attorney for the judicial district in which the state capital is located shall  
 6        institute a civil action to collect the funds owed the state in accordance with R.S.  
 7        42:541.

8                B. All funds collected pursuant to this Section shall be deposited in the state  
 9        general fund.

10        Section 2. The Legislature of Louisiana hereby encourages and requests the State  
 11        Civil Service Commission to establish the same or substantially similar provisions as  
 12        provided in Section 1 of this Act for each position that is in the classified service within its  
 13        civil service system and that has the authority to increase or authorize an increase in the  
 14        salary of any employee in state government.

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#### 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)]

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HB 308 Reengrossed

2016 Regular Session

Bacala

**Abstract:** Prohibits the granting of increases in pay for state executive branch officials or employees if a budget deficit is projected during the period of time between the gubernatorial primary and inauguration, and provides for personal liability of those who granted the raise for the aggregate amount of such increases for a period of three years.

Proposed law provides that if, during the time period between the regularly scheduled gubernatorial primary election and the second Monday in Jan. next following the election, a budget status report required present law (R.S. 39:75) indicates that a projected deficit exists, no public official, employee, board, or commission in the executive branch of state government shall increase or authorize an increase in the salary of any official or employee in the office, department, board, commission, agency, or institution under the authority of the public official or employee or board or commission during that time period after the submission of such a report. Proposed law specifically excludes an increase in the salary of a classified employee for a promotion or reallocation in a career progression group granted in accordance with civil service rules and procedures from the prohibition. Proposed law defines "public official" for its purposes. Proposed law specifies that "increase in salary" shall not include an increase to an employee of a higher education institution that is funded solely from an endowment, scholarship, gift, donation, grant, or award of money from the federal government or from private persons or legal entities.

Proposed law provides that if one or more increases in salary are granted or authorized by a public official or employee in violation of proposed law, the public official or employee who increased the salary or authorized the increases in salary shall be personally liable for the total amount of increases in salary for a total of three fiscal years following the increase. Provides that if one or more increases in salary are granted or authorized by a board or commission, each member of the board or commission who voted in favor of the action shall be personally liable in equal amount for his proportionate share in the total amount of increases in salary granted or authorized for a total of three fiscal years following the increase.

Proposed law provides that if a violation occurs, the attorney general shall institute a civil action to collect the funds owed the state, unless the public officer in violation is the attorney general, in which case the district attorney for the judicial district in which the state capital is located shall institute a civil action to collect the funds owed the state. Provides all funds collected shall be deposited in the state general fund.

Further provides that the legislature encourages and requests the State Civil Service Commission to establish the same or substantially similar provisions as provided in proposed law for each position in the classified service that has the authority to increase or authorize an increase in the salary of any employee in state government.

(Adds R.S. 42:541 and 542)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Provide that the prohibition does not apply until after the submission of a budget status report that indicates a projected deficit exists.
2. Exclude increases to classified employees for promotions or reallocations in a career progression group from the prohibition.
3. Define the term "public official".
4. Add a request that the State Civil Service Commission establish the same or similar provisions for classified positions having the authority to increase or authorize an increase in salary.

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

1. Limit the application of the proposed prohibition to the executive branch of state government.
2. Exclude from the prohibition an increase in salary to an employee of a higher education institution that is funded solely from monies, etc. from the federal government or from a private person or legal entity.
3. Relative to the liability of board and commission members, change the standard from those who participated in and did not oppose the action to those who voted in favor of the action.