

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

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

23 B.(1) If one or more increases in salary are granted or authorized by a public  
24 official or employee in violation of Subsection A of this Section, the public official

1 or employee who increased the salary or authorized the increase in salary shall be  
2 personally liable for the total amount of increases in salary paid pursuant to an  
3 authorization in violation of Subsection A of this Section for a total of three fiscal  
4 years following the increase.

5 (2) If one or more increases in salary are granted or authorized by a board  
6 or commission in violation of Subsection A of this Section, each member of the  
7 board or commission who voted in favor of the action granting or authorizing the  
8 increase in salary shall be personally liable in equal amount for his proportionate  
9 share in the total amount of increases in salary paid pursuant to a grant or  
10 authorization in violation of Subsection A of this Section for a total of three fiscal  
11 years following the increase.

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

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

21 D. The provisions of this Chapter shall not apply to any pay increase  
22 approved by the Joint Legislative Committee on the Budget in accordance with R.S.  
23 49:201.2.

24 E. The provisions of this Chapter shall not apply to any pay increase  
25 approved by the Joint Legislative Committee on the Budget in accordance with R.S.  
26 39:84(H).

27 §542. Enforcement; deposit of funds

28 A. If a violation of this Chapter occurs, the attorney general shall institute  
29 a civil action to collect the funds owed the state in accordance with R.S. 42:541.  
30 However, if the public official in violation of this Chapter is the attorney general, the

1           district attorney for the judicial district in which the state capital is located shall  
2           institute a civil action to collect the funds owed the state in accordance with R.S.  
3           42:541.

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

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

11           Section 3.(A) Except as otherwise provided in Subsections B and C of this Section,  
12 the provisions of this Act shall become effective on July 1, 2016.

13           (B) The provisions of R.S. 42:541(D) as enacted by Section 1 of this Act shall take  
14 effect and become operative on July 1, 2016, if the Act which originated as Senate Bill No.  
15 57 of this 2016 Regular Session of the Legislature is enacted and becomes effective.

16           (C) The provisions of R.S. 42:541(E) as enacted by Section 1 of this Act shall take  
17 effect and become operative on July 1, 2016, if the Act which originated as Senate Bill No.  
18 49 of this 2016 Regular Session of the Legislature is enacted and becomes effective.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_