

---

## 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)]

---

Gaines

HB No. 523

**Abstract:** Provides for the traversal of affidavits offered by a state department, board, or agency in opposition to the issuance of an injunction or temporary restraining order.

Present law requires that an injunction be issued in cases where irreparable injury, loss, or damage may otherwise result to the applicant, or in other cases specifically provided by law.

Present law provides that no court shall have jurisdiction to issue any temporary restraining order, preliminary injunction, or permanent injunction against any state department, board, or agency to compel the expenditure of state funds when the director of such department, board, or agency or the governor certifies that the expenditure of such funds would have the effect of creating a deficit or be in violation of the requirements placed upon the expenditure of such funds by the legislature.

Proposed law provides that when any state department, board, or agency, or any officer, administrator provides an affidavit in accordance with present law, the agency shall have the burden of showing by a preponderance of the evidence that the injunction sought would both compel the expenditure of state funds and have the direct effect of creating a deficit within the agency.

Proposed law provides that an adverse party may traverse the facts alleged in the affidavits and may present evidence to controvert the affidavits.

(Amends C.C.P. Art. 3601(A))