

2016 Regular Session

HOUSE BILL NO. 308

BY REPRESENTATIVE BACALA

PUBLIC OFFICIALS: Prohibits the granting increases in pay for state 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 or board or commission in state government shall increase or
17 authorize an increase in the salary of any official or employee in the office,

1 department, board, commission, agency, or institution under the authority of the
2 public official or board or commission during that time period.

3 B.(1) If an increase in salary is granted or authorized by a public official or
4 employee in state government in violation of Subsection A of this Section, the public
5 official or employee who increased the salary or authorized the increase in salary
6 shall be personally liable for the total amount of increases in salary paid pursuant to
7 an authorization in violation of Subsection A of this Section for a total of three fiscal
8 years following the increase.

9 (2) If an increase in salary is granted or authorized by a board or commission
10 in violation of Subsection A of this Section, each member of the board or
11 commission who participated in and did not oppose the action granting or
12 authorizing the increase in salary shall be personally liable in equal amount for his
13 proportionate share in the total amount of increases in salary paid pursuant to a grant
14 or authorization in violation of Subsection A of this Section for a total of three fiscal
15 years following the increase.

16 §542. Enforcement; deposit of funds

17 A. If a violation of this Chapter occurs, the attorney general shall institute
18 a civil action to collect the funds owed the state in accordance with R.S. 42:541.
19 However, if the public officer in violation of this Chapter is the attorney general, the
20 district attorney for the judicial district in which the state capital is located shall
21 institute a civil action to collect the funds owed the state in accordance with R.S.
22 42:541.

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

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)]

HB 308 Original

2016 Regular Session

Bacala

Abstract: Prohibits the granting of increases in pay for state 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 or employee or board or commission in 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. Provides that if an increase in salary is 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 increase 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 the increase is granted or authorized by a board or commission, each member of the board or commission who participated in and did not oppose 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.

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