

Regular Session, 2010

HOUSE BILL NO. 754

BY REPRESENTATIVES SCHRODER, CHAMPAGNE, CONNICK, DANAHAY,
ELLINGTON, HARRISON, LABRUZZO, LIGI, MORRIS, PEARSON, RICHARD,
SMILEY, STIAES, AND TALBOT AND SENATOR MICHOT

CIVIL SERVICE: (Constitutional Amendment) Prohibits pay increases to persons in state
service when there is a budget deficit

1 A JOINT RESOLUTION

2 Proposing to add Article X, Section 31 of the Constitution of Louisiana, to provide relative
3 to certain pay increases for persons in state service; to prohibit certain pay increases
4 during certain times; to provide for penalties; to provide for submission of the
5 proposed amendment to the electors; and to provide for related matters.

6 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
7 elected to each house concurring, that there shall be submitted to the electors of the state of
8 Louisiana, for their approval or rejection in the manner provided by law, a proposal to add
9 Article X, Section 31 of the Constitution of Louisiana, to read as follows:

10 §31. Pay increases; state service; prohibitions; penalties

11 Section 31.(A) Prohibition. Notwithstanding any other provision of this
12 constitution or law to the contrary, no pay increase shall be granted to any person
13 in state service when there is a budget deficit unless the legislature determines by a
14 two-thirds vote of the elected members of each house that a pay increase may be
15 granted.

16 (B) Definitions. As used in this Section:

17 (1) "Budget deficit" shall mean a determination by the Revenue Estimating
18 Conference in the manner provided by law for the purposes of Paragraph (A) of this

1 Section that there is a projected deficit in the continuation budget for the subsequent
2 fiscal year.

3 (2) "Pay increase" shall mean any increase in salary or compensation that is
4 given on an annual basis for performance, longevity, or cost-of-living increases.

5 (3) "Person in state service" shall mean any person holding an office or
6 position of trust or employment in the employ of the state, or any instrumentality
7 thereof, and any joint state and federal agency, joint state and parochial agency, or
8 joint state and municipal agency, regardless of the source of the funds used to pay
9 for such employment.

10 (C) Penalties. Willful violation of any provision of this Section shall be a
11 misdemeanor punishable by a fine of not more than five hundred dollars or by
12 imprisonment for not more than six months, or both.

13 (D) Implementation. The legislature may provide for the implementation of
14 the provisions of this Section by law.

15 Section 2. Be it further resolved that this proposed amendment shall be submitted
16 to the electors of the state of Louisiana at the statewide election to be held on November 2,
17 2010.

18 Section 3. Be it further resolved that on the official ballot to be used at said election
19 there shall be printed a proposition, upon which the electors of the state shall be permitted
20 to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall
21 read as follows:

22 To prohibit the granting of a pay increase to any person in state service when
23 there is a budget deficit unless the legislature by a two-thirds vote determines
24 otherwise; to provide for criminal penalties. (Adds Article X, Section 31)

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)]

Schroder

HB No. 754

Abstract: Prohibits any person in state service from being granted a pay increase when there is a budget deficit unless the legislature determines by a 2/3 vote that a pay increase may be granted.

Proposed constitutional amendment provides that, notwithstanding any other provision of law, no pay increase shall be granted to any person in state service when there is a budget deficit unless the legislature determines by a 2/3 vote of each house that a pay increase may be granted. Provides that a willful violation of the provisions of proposed constitutional amendment shall be a misdemeanor punishable by a fine of not more than \$500 or by imprisonment for not more than six months, or both. Defines "budget deficit" as a determination by the Revenue Estimating Conference in the manner provided by law for the purposes of proposed law that there is a projected deficit in the continuation budget for the subsequent fiscal year; "pay increase" as any increase in salary or compensation that is given on an annual basis for performance, longevity, or cost-of-living increases; and "person in state service" as any person holding an office or position of trust or employment in the employ of the state, or any instrumentality thereof, and any joint state and federal agency, joint state and parochial agency, or joint state and municipal agency, regardless of the source of the funds used to pay for such employment. Further authorizes the legislature to provide for the implementation of provisions of proposed constitutional amendment by law.

Present constitution (Art. X) vests state and city civil service commissions with broad and general rulemaking and subpoena powers for the administration and regulation of the classified service, which include the power to adopt rules regulating compensation and disbursements to employees and to adopt a uniform pay and classification plan for classified employees (and provides similar provisions for the state police commission and state police service). Further authorizes the legislature to supplement the uniform pay plans for sworn, commissioned law enforcement officers employed by a bona fide police agency of the state or its political subdivisions, from any available funds of the state, the department, the agency, or the political subdivision, provided that such supplement may be made available only for those law enforcement officers employed on a full-time basis by such police agency of the state or its political subdivisions and who serve the welfare of the public in the capacity of a police officer by providing police services to the general public, by effecting arrests, issuing citations, and serving warrants while patrolling waterways and riverfront areas. Additionally authorizes the legislature to supplement the uniform pay plans for fire protection officers employed by a port authority from any available funds of the state, the department, the agency, or the political subdivision, provided that such supplement may be made available only for those fire protection officers employed on a full-time basis who provide fire protection services to a port authority. Present constitution provides that any rule or determination affecting wages or hours shall have the effect of law and become effective only after approval by the governor or the appropriate governing authority. Present constitution (Art. VIII) vests authority in each board of supervisors of each system of postsecondary education to supervise and manage the institutions under its control.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 2, 2010.

(Adds Art. X, §31)

Summary of Amendments Adopted by House

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

1. Authorized the legislature to determine by a 2/3 vote that a pay increase may be granted.
2. Redefined "budget deficit" from a determination that appropriations will exceed the official forecast of recurring revenues as provided by law and a determination in the manner provided by law that there is a projected deficit in the continuation budget for the subsequent fiscal year and the official forecast of recurring revenues for the next fiscal year is less than the official forecast for the current fiscal year to a determination by the Revenue Estimating Conference in the manner provided by law for the purposes of determining if a pay raise may be granted there is a projected deficit in the continuation budget for the subsequent fiscal year.
3. Redefined "pay increase" from any increase in salary or compensation based upon performance, merit, time of service, cost-of-living increases, or other factors excluding a change in salary or compensation resulting from a job promotion to any increase in salary or compensation that is given on an annual basis for performance, longevity, or cost-of-living increases.
4. Removed definition of "job promotion".