

Regular Session, 2010

HOUSE BILL NO. 853

BY REPRESENTATIVE SIMON

ELECTED OFFICIALS: Limits the number of personnel authorized for departments operating under certain elected officials

1 AN ACT

2 To amend and reenact R.S. 39:85(B) and to enact R.S. 39:85.1, relative to changes in  
3 personnel; to provide for limitations on the number of personnel authorized for  
4 departments operating under certain elected officials; to provide for an effective date;  
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 39:85(B) is hereby amended and reenacted and R.S. 39:85.1 is  
8 hereby enacted to read as follows:

9 §85. Changes in personnel table

10 \* \* \*

11 B. After preparation of the personnel tables in accordance with R.S. 39:84,  
12 a change in the personnel table for any budget unit, program, or subprogram during  
13 a fiscal year shall be made only in accordance with provisions of an appropriation  
14 act and of this Part for transfer of funds and for changes in the number of authorized  
15 positions. ~~Personnel~~ Except as provided in R.S. 39:85.1, personnel transactions  
16 made pursuant to changes in the personnel table shall be effective only when  
17 approved as required in R.S. 39:84(B) and (C).

18 §85.1. Limitations on personnel

19 For certain elected officials, the total number of positions not funded by the  
20 salaries continuing category of the accounting system for the state shall not exceed

1        the total number of such positions that existed within those offices as of October 2,  
2        2009, unless otherwise authorized by the commissioner of administration or as  
3        provided by law. This limitation shall not affect the number of authorized positions  
4        as defined in Paragraph (5) of R.S. 39:2. For the purposes of this Section, "certain  
5        elected officials" shall mean the Public Service Commission and all statewide elected  
6        officials in the executive branch of state government, excluding the governor.

7        Section 2. This Act shall become effective on July 1, 2010; if vetoed by the governor  
8        and subsequently approved by the legislature, this Act shall become effective on July 1,  
9        2010, or on the day following such approval by the legislature, whichever is later.

---

#### 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)]

---

Simon

HB No. 853

**Abstract:** Provides for a limitation of personnel authorized for departments operating under certain elected officials.

Present law provides that changes in the number of authorized personnel shall only be made in accordance with provisions of an appropriation act and shall only be effective when approved by as provided in present law (R.S. 39:84(B) and (C)).

Present law defines "authorized positions" as the number of positions approved by the legislature in an appropriation bill to be funded by the salaries continuing category of the accounting system for the state. The number may be adjusted during a fiscal year in accordance with procedures provided by law.

Proposed law provides as an exception to present law that for certain elected officials, the total number of positions not funded by the salaries continuing category of the accounting system for the state shall not exceed the total number of such positions that existed within those offices as of October 2, 2009, unless otherwise authorized by the commissioner of administration or as provided by law. This limitation shall not affect the number of authorized positions as defined in present law (Para (5) of R.S. 39:2). "Certain elected officials" shall mean the Public Service Commission and all statewide elected officials in the executive branch of state government, excluding the governor.

(Amends R.S. 39:85(B); Adds R.S. 39:85.1)