

Regular Session, 2012

HOUSE BILL NO. 88

BY REPRESENTATIVE HENSGENS

PUBLIC EMPLOYEES: Prohibits political uses of public payroll withholdings and deductions

1 AN ACT

2 To amend and reenact R.S. 42:1132(D) and to enact R.S. 42:451.1, relative to public payroll
3 withholdings and deductions; to specifically prohibit use of such withholdings and
4 deductions or portions thereof for specified political purposes; to provide for
5 enforcement and penalties; to provide relative to the application of the Code of
6 Governmental Ethics thereto; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 42:1132(D) is hereby amended and reenacted and R.S. 42:451.1 is
9 hereby enacted to read as follows:

10 §451.1. Payroll withholdings and deductions; prohibited use; enforcement

11 A. No portion of any payroll withholding or deduction authorized by a public
12 servant and withheld or deducted by a governmental entity or agency thereof shall
13 be used by the recipient to urge any elector to vote for or against any candidate or
14 proposition or to support a political committee or political party.

15 B. For purposes of this Section, the following terms shall have the following
16 meanings:

17 (1) "Candidate" shall mean a person who seeks nomination or election to
18 public office.

19 (2) "Governmental entity" shall have the same meaning as provided in R.S.
20 42:1102.

1 (3) "Person" shall mean an individual, a legal entity, or a governmental
 2 entity or any agency thereof.

3 (3) "Political committee" shall mean two or more persons, other than a
 4 husband and wife, and any legal entity organized for the primary purpose of
 5 supporting or opposing one or more candidates, propositions, recalls of a public
 6 officer, or political parties.

7 (4) "Proposition" shall mean a question submitted to the electors at an
 8 election.

9 (5) "Public servant" shall have the same meaning as provided in R.S.
 10 42:1102.

11 C.(1) The Board of Ethics shall administer and enforce the provisions of this
 12 Section, and the procedures provided for in the Code of Governmental Ethics shall
 13 apply to the administration and enforcement of the provisions of this Section;
 14 however, the penalties provided in the Code of Governmental Ethics shall not apply
 15 to violations of this Section.

16 (2) Upon a final determination that a recipient has violated the provisions of
 17 this Section, such person shall be prohibited from receiving any payroll withholding
 18 or deduction or any portion thereof from a public servant.

19 (3) The Board of Ethics shall provide for a permanent public notice of all
 20 recipients found in violation of this Section.

21 * * *

22 §1132. Board of Ethics

23 * * *

24 D. Additional Jurisdiction. The board shall administer and enforce the
 25 provisions of R.S. 27:63, 96, 226, 261, and 316, Part III of Chapter 1 of Title 24 of
 26 the Louisiana Revised Statutes of 1950, R.S. 42:451.1, Part IV of Chapter 1 of Title
 27 49 of the Louisiana Revised Statutes of 1950, Chapter 46 of Title 33 of the Louisiana
 28 Revised Statutes of 1950, and R.S. 47:9072.

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)]

Hensgens

HB No. 88

Abstract: Prohibits public payroll withholdings or deductions or any portion thereof from being used to support or oppose candidates, propositions, political committees, or political parties and provides for the enforcement of the prohibition by the Board of Ethics.

Present law (Const. Art. XI, §4) prohibits public funds from being used to urge any elector to vote for or against any candidate or proposition or from being appropriated to a candidate or political organization. Present law (Election Code-R.S. 18:1465) provides for the same prohibition and further provides that violators shall be fined not more than \$1,000 or be imprisoned, with or without hard labor, for not more than two years, or both.

Present law (Chapter 9 of Title 42 of the La. Revised Statutes of 1950) authorizes certain permitted withholdings, including deductions for mandated federal and state income withholdings, credit unions, garnishments, liens, union dues, savings bonds programs, qualified United Way entities, health and life insurance products, and certain other specified products.

Proposed law specifically prohibits any portion of any payroll withholding or deduction authorized by a public employee from being used by a recipient to urge any elector to vote for or against any candidate or proposition or to support a political committee or political party. Proposed law defines the terms "candidate", "governmental entity", "political committee", "proposition", and "public servant" for its purposes.

Proposed law provides that the Board of Ethics shall administer and enforce proposed law and that the procedures provided for in the Code of Governmental Ethics apply to such administration and enforcement; however, provides that the penalty for a violation is that the person shall be prohibited from receiving any payroll withholding or deduction from a public servant.

(Amends R.S. 42:1132(D); Adds R.S. 42:451.1)