
DIGEST

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HB 308 Reengrossed

2016 Regular Session

Bacala

Abstract: Prohibits the granting of increases in pay for state executive branch officials or 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, employee, board, or commission in the executive branch of 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 after the submission of such a report. Proposed law specifically excludes an increase in the salary of a classified employee for a promotion or reallocation in a career progression group granted in accordance with civil service rules and procedures from the prohibition. Proposed law defines "public official" for its purposes. Proposed law specifies that "increase in salary" shall not include an increase to an employee of a higher education institution that is funded solely from an endowment, scholarship, gift, donation, grant, or award of money from the federal government or from private persons or legal entities.

Proposed law provides that if one or more increases in salary are 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 increases 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 one or more increases in salary are granted or authorized by a board or commission, each member of the board or commission who voted in favor of 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.

Further provides that the legislature encourages and requests the State Civil Service Commission to establish the same or substantially similar provisions as provided in proposed law for each position

in the classified service that has the authority to increase or authorize an increase in the salary of any employee in state government.

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

Summary of Amendments Adopted by House

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

1. Provide that the prohibition does not apply until after the submission of a budget status report that indicates a projected deficit exists.
2. Exclude increases to classified employees for promotions or reallocations in a career progression group from the prohibition.
3. Define the term "public official".
4. Add a request that the State Civil Service Commission establish the same or similar provisions for classified positions having the authority to increase or authorize an increase in salary.

The House Floor Amendments to the engrossed bill:

1. Limit the application of the proposed prohibition to the executive branch of state government.
2. Exclude from the prohibition an increase in salary to an employee of a higher education institution that is funded solely from monies, etc. from the federal government or from a private person or legal entity.
3. Relative to the liability of board and commission members, change the standard from those who participated in and did not oppose the action to those who voted in favor of the action.