

## RÉSUMÉ DIGEST

HB 308

2016 Regular Session

Bacala

If, between a regularly scheduled gubernatorial primary election and the second Mon. in Jan. following the election, a budget status report, as required by existing law (R.S. 39:75), projected a deficit, proposed law would have prohibited a public official, employee, board, or commission in the executive branch from increasing or authorizing an increase in the salary of any official or employee during that time period after the submission of such a report. Proposed law would have specifically excluded from the prohibition an increase in the salary of a classified employee for a promotion or reallocation in a career progression group. Proposed law would have further provided that "increase in salary" did not include an increase to an employee of a higher education institution if the increase was 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 would have defined "public official" for its purposes.

Proposed law would have provided that if an increase in salary were granted or authorized in violation of proposed law, the public official or employee who increased or authorized the increase in salary would have been personally liable for the total amount of increases for a total of three fiscal years. Proposed law would have provided that if an increase in salary were granted or authorized by a board or commission in violation of proposed law, each member of the board or commission who voted in favor of the action would have been personally liable for his proportionate share in the total amount of increases for a total of three fiscal years.

Proposed law would have required the attorney general to institute a civil action to collect the funds owed the state if a violation occurred, unless the public officer in violation was the attorney general, in which case the district attorney for the judicial district in which the state capital is located would have been required to institute a civil action to collect the funds owed the state. Would have required all funds collected to be deposited in the state general fund.

Proposed law would have further provided that proposed law did not apply to any pay increases approved by the Jt. Legislative Committee on the Budget as provided by two different provisions of existing law (R.S. 49:201.2 in Act No. 588 and R.S. 39:84(H) in Act No. 517 of the 2016 Regular Session).

Would have further provided that the legislature encouraged and requested the State Civil Service Commission to establish the same or substantially similar provisions as would have been provided in proposed law for each position in the classified service that had the authority to increase or authorize an increase in the salary of any employee in state government.

(Proposed to add R.S. 42:541 and 542)

### **Veto Message:**

"Please be advised that I have exercised my veto authority pursuant to La. Constitution Art. 3, Section 16 with regard to House Bill 308 of the 2016 Regular Session.

As you know, Governor Jindal granted several pay raises before he left office in January, and several bills were filed to ensure that future outgoing administrations would be prohibited from doing the same. I support this prohibition. As such, I have signed Senate Bills 49 and 57, both of which prohibit pay raises in the last days of a gubernatorial term. These bills provide significant protections to ensure that the actions of the previous administration will not be repeated.

However, I do not believe that HB 308 is necessary. This legislation is duplicative of what is accomplished by Senate Bills 49 and 57, and does not provide any further reasonable protections. Further, HB 308 applies to classified employees, and this legislation would restrict the Civil Service Commission from moving to an employee anniversary date policy for salary adjustments."