

**LEGISLATIVE FISCAL OFFICE**

**Fiscal Note**



Fiscal Note On: **SB 128** SLS 07RS 521  
 Bill Text Version: **ORIGINAL**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

|                                                |                                 |
|------------------------------------------------|---------------------------------|
| <b>Date:</b> May 7, 2007 2:18 PM               | <b>Author:</b> HEITMEIER        |
| <b>Dept./Agy.:</b> Department of Public Safety | <b>Analyst:</b> Travis McIlwain |
| <b>Subject:</b> Law Enforcement                |                                 |

LAW ENFORCEMENT OR SEE FISC NOTE GF EX Page 1 of 1

Constitutional amendment to authorize the legislature to permit the payment of supplemental pay to certain sworn commissioned full-time law enforcement officers and certain firefighters. (2/3-CA13s1(A))

Proposed legislation is a constitutional amendment to Article X, Section 10(A)(1.). Proposed constitutional amendment authorizes the legislature to supplement the uniform pay plans for sworn, commissioned law enforcement officers employed by a police agency of the state or political subdivisions and for fire protection officers employed by a port authority, from any available funds of the department, the agency or local government. Each supplement may be made available for those sworn, commissioned law enforcement officers employed on a full-time basis who serve the welfare of the public in the capacity by effecting arrests, issuing citations and serving warrants while patrolling levees, bridges, waterways and riverfront areas and for fire protection officers who provide fire protection services to a port authority.

Proposed amendment will be included on the October 20, 2007 statewide election ballot.

| <b>EXPENDITURES</b> | <b>2007-08</b> | <b>2008-09</b> | <b>2009-10</b> | <b>2010-11</b> | <b>2011-12</b> | <b>5 -YEAR TOTAL</b> |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd.      | SEE BELOW      | SEE BELOW      | SEE BELOW      | SEE BELOW      | SEE BELOW      |                      |
| Agy. Self-Gen.      | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Ded./Other          | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Federal Funds       | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Local Funds         | SEE BELOW      | SEE BELOW      | SEE BELOW      | SEE BELOW      | SEE BELOW      |                      |
| <b>Annual Total</b> | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>           |
| <b>REVENUES</b>     | <b>2007-08</b> | <b>2008-09</b> | <b>2009-10</b> | <b>2010-11</b> | <b>2011-12</b> | <b>5 -YEAR TOTAL</b> |
| State Gen. Fd.      | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Agy. Self-Gen.      | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Ded./Other          | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Federal Funds       | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Local Funds         | <u>\$0</u>     | <u>\$0</u>     | <u>\$0</u>     | <u>\$0</u>     | <u>\$0</u>     | <b>\$0</b>           |
| <b>Annual Total</b> | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>           |

**EXPENDITURE EXPLANATION**

Supplementing the pay of bona fide police agencies who provide public services to the general public while patrolling levees, bridges, waterways, and riverfront areas and for firefighters who provide fire protection services to a port authority could increase state general expenditures in the amount of \$986,400 if the legislature seeks to include these individuals. If approved by the legislature and the voters, this constitutional amendment will increase the eligible pool of individuals who may receive supplemental pay without violating the constitutional powers of the State Civil Service Commission.

Local governments will be responsible for providing the additional retirement and medicare payments receiving supplemental pay. This percentage ranges from 25%-30% depending upon which retirement system the individual is contributing, while state agencies will most likely be responsible for increased related benefits as a result of increased salary.

According to the Department of Public Safety (DPS), there are approximately 234 state employees who are commissioned law enforcement officers employed at the East Jefferson Levee District, Port of New Orleans, Lake Charles Harbor, Orleans Levee District and DOTD Bridge Police. There are also 30 eligible officers employed with the Greater New Orleans Expressway Commission (political subdivision of the state). There are also approximately 10 firefighters employed by the Orleans Levee District for a total approximate commissioned officer impact of 274 to receive current payments of \$300 per month. If proposed constitutional amendment is approved by the legislature and the voters, the groups mentioned above will be eligible to receive supplemental pay to local law enforcement without infringing upon the constitutional powers of the Civil Service Commission.

NOTE: In current law, bridge & harbor police are included in the statutes of supplemental pay. However, in April of 2004, the Louisiana State Supreme Court concluded that R.S. 33:2218.2 (A)(2)(a) is unconstitutional. Granting supplemental pay to state classified employees (New Orleans Harbor) infringed upon the constitutional powers of the Civil Service Commission. This proposed constitutional amendment seeks to amend the constitution to modify the powers of State and City Civil Service as to not infringe upon those powers of the State Civil Commission if said individuals are included in supplemental pay.

**REVENUE EXPLANATION**

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate

Dual Referral Rules

House

13.5.1 >= \$500,000 Annual Fiscal Cost

6.8(F) >= \$500,000 Annual Fiscal Cost

13.5.2 >= \$500,000 Annual Tax or Fee Change

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease

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