HLS 18RS-846 REENGROSSED

2018 Regular Session

HOUSE BILL NO. 708

1

BY REPRESENTATIVE CREWS

CRIME: Provides for an exception to the crime of political payroll padding by a sheriff

AN ACT

2	To amend and reenact R.S. 14:139.1(A), (B), and (C), relative to payroll padding; to provide
3	relative to the exceptions to the crime of payroll padding; to provide an additional
4	exception for an increase in expenses necessitated by the completion of a new or
5	expansion of a facility that provides support services to the office of the sheriff; and
6	to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 14:139.1(A), (B), and (C) are hereby amended and reenacted to read
9	as follows:
10	§139.1. Political payroll padding by sheriff; sale of assets of sheriff's office
11	prohibited
12	A. During the six months preceding a gubernatorial election and during the
13	time interval between the gubernatorial election and the first day of July following
14	election, it shall be unlawful for any sheriff to do any of the following:
15	(1) Increase the number of deputies or employees in his office by more than
16	five percent over the average number of such employees for each of the first six
17	months of the twelve months preceding said the election; or.
18	(2) Increase the payroll or other operating expenses of his office more than
19	fifteen percent over its average amount of such expenditures for each of the months
20	of the first six months of the twelve months preceding said the election; or.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(3) Transfer title and ownership of the capital assets of his office of a value
2	in excess of ten percent of the total value of said assets as reflected in the current
3	inventory filed in the office of the sheriff on date of the first primary election under
4	the provisions of Section 513 of Title 24 R.S. 24:513, as of the date of the primary
5	election.
6	B. In determining whether any surplus or deficit exists in the office of any
7	sheriff at the expiration of a term of office, the current market value of the capital
8	assets of the office as set forth in the inventory filed in accordance with Section 513
9	of Title 24 R.S. 24:513 shall be included in the total assets of the sheriff's office.
10	C. The provisions of this Section shall not apply when the increases or
11	decreases are necessitated by flood, invasion by common enemy, or other public
12	emergency. In addition, the provisions of this Section shall not apply to any increase
13	based upon the utilization of additional revenue from a tax district election or to an
14	increase necessitated by the completion of a new or expansion of an existing prison
15	facility or an emergency communications call or dispatch center.
16	* * *

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)]

HB 708 Reengrossed

2018 Regular Session

Crews

Abstract: Provides an exception to the crime of payroll padding by a sheriff for an increase in expenses necessitated by the completion of a new or expansion of an emergency communications call or dispatch center.

<u>Present law</u> provides that during the six months preceding a gubernatorial election and during the time interval between the gubernatorial election and the first day of July following election, it shall be unlawful for any sheriff to engage in any of the following:

- (1) Increase the number of deputies or employees in his office by more than five percent over the average number of such employees for each of the first six months of the 12 months preceding the election.
- (2) Increase the payroll or other operating expenses of his office more than 15% over its average amount of such expenditures for each of the months of the first six months of the 12 months preceding the election.

(3) Transfer title and ownership of the capital assets of his office of a value in excess of 10% of the total value of assets as reflected in the current inventory filed in the office of the sheriff on date of the first primary election.

In this regard, <u>proposed law</u> corrects an outdated reference to the primary election system by referring to the primary election instead of the "first" primary election.

<u>Present law</u> provides that these provisions shall not apply when the increases or decreases are necessitated by flood, invasion by common enemy, or other public emergency; nor to any increase based upon the utilization of additional revenue from a tax district election or to an increase necessitated by the completion of a new or expansion of an existing prison facility.

<u>Proposed law</u> extends this exception to apply to an increase necessitated by the completion of a new or expanded emergency communications call or dispatch center.

(Amends R.S. 14:139.1(A), (B), and (C))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

- 1. Correct outdated reference to the primary election system by referring to the "primary election" instead of the "first primary election".
- 2. Remove from the <u>proposed law</u> exception an increase necessitated by the completion of a new or expanded facility that provides support services to the office of the sheriff.