Regular Session, 2011

HOUSE BILL NO. 203

BY REPRESENTATIVE GEYMANN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC EMPLOYEES: Requires legislative approval for a state executive branch official or employee to receive compensation that exceeds the salary authorized by law for the governor by more than 20% with certain exceptions

AN ACT

To enact R.S. 39:85.1, relative to compensation of state officials and employees; to require legislative approval for a state official or employee to receive compensation in excess of a certain limitation; to provide for approval procedures and effectiveness; to provide exceptions; to provide for approval of compensation and additional exceptions when the legislature is not in session; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:85.1 is hereby enacted to read as follows:

§85.1. Compensation of state officials and employees; legislative approval required above certain amount; exceptions

A. For purposes of this Section, unless the context clearly indicates otherwise, the following terms shall mean the following:

(1) "Compensation" shall mean any thing of economic value which is paid, loaned, granted, given, donated, or transferred or to be paid, loaned, granted, given, donated, or transferred for or in consideration of personal services to a state official or employee, including but not limited to salary and any housing allowance, travel or car allowance, expense allowance, or any other similar payment. It shall not include any salary supplement or other amount paid to a person from nonpublic funds that is not otherwise prohibited by law.

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(2) "State official or employee" means a person who holds office or employment with a department, agency, office, or other unit or official of the executive branch of state government. It shall not include a state official or employee the amount of whose compensation is fixed by law. It shall not include a person in the classified state service. It shall not include a person in the unclassified service whose position is one of the following: Professor, Assistant Professor, Associate Professor, Physicist, Physician I through Physician V, Health Services Physician, Psychiatrist, Anesthetist, Head Coach, Assistant Head Coach, Assistant Coach, or Coach.

B. No state official or employee shall be paid in any fiscal year compensation that exceeds one hundred twenty percent of the salary established by law for the governor, unless such compensation is approved by the legislature as provided in this Section. Such legislative approval may be granted only by adoption by both houses of the legislature of a concurrent resolution that specifically lists the particular position, its budget unit, and the amount and type of compensation approved for such position or by inclusion of such approval and information in the General Appropriation Bill enacted by the legislature. Such approval shall be applicable to one fiscal year only, and payment of such compensation in a subsequent fiscal year shall again require approval as provided in this Section.

C. If on June 30, 2011, the compensation of a state official or employee exceeds the limitation provided in Subsection A of this Section, approval of such compensation as provided in this Section shall not be required; however, any increase in such compensation after June 30, 2011, shall require such approval.

D.(1) If a person is appointed to a position as a state official or employee when the legislature is not in session and the compensation for such position is in excess of the limitation in Subsection B of this Section but has not been approved for the particular position as required by this Act, such compensation may be paid if approved by the Joint Legislative Committee on the Budget; however, such approval shall be effective only for the remainder of the then current fiscal year.

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(2) When the legislature is not in session, the Joint Legislative Committee on the Budget may add additional positions to those positions excepted from legislative approval as provided by Paragraph (A)(2) of this Section; however, any such exception shall be effective only for the then current fiscal year unless it is added to the exceptions in Paragraph (A)(2) of this Section by legislative enactment.

Section 2. This Act shall become effective on July 1, 2011; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2011, or on the day following such approval by the legislature, whichever is later.

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)]

Geymann HB No. 203

Abstract: Requires legislative approval for a state official or employee to receive compensation in excess of 120% of the salary authorized by law for the governor. Provides procedures for approval. Provides exceptions.

Proposed law prohibits payment of compensation to a state official or employee that exceeds 120% of the salary established by law for the governor, unless such compensation is approved by the legislature. Provides that legislative approval may be granted only by adoption of a concurrent resolution listing the particular position, its budget unit, and the amount and type of compensation approved for such position or by inclusion of such approval and information in the General Appropriation Act. Specifies that approval is for one fiscal year only and payment of such compensation in a subsequent fiscal year requires approval for that fiscal year. Present law (R.S. 36:10) provides that the governor's salary is $130,000. (120% of $130,000 = $156,000)

Proposed law provides definitions:

(1) "Compensation" means any thing of economic value which is paid, loaned, granted, given, donated, or transferred or to be paid, loaned, granted, given, donated, or transferred for or in consideration of personal services to a state official or employee, including but not limited to salary and any housing allowance, travel or car allowance, expense allowance, or any other similar payment. Does not include any salary supplement or other amount paid to a person from nonpublic funds that is not otherwise prohibited by law.

(2) "State official or employee" means a person who holds office or employment with a department, agency, office, or other unit or official of the executive branch of state government. Does not include a state official or employee whose compensation is fixed by law. Does not include a person in the classified state service. Does not include a person in the unclassified service whose position is one of the following: Professor, Assistant Professor, Associate Professor, Physicist, Physician I through Physician V, Health Services Physician, Psychiatrist, Anesthetist, Head Coach, Assistant Head Coach, Assistant Coach, or Coach.

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Proposed law provides that approval is not required for compensation in effect on June 30, 2011, that exceeds 120% of the governor's salary; however, specifies that any increase in such compensation after June 30, 2011, shall require such approval.

Proposed law provides for compensation approval and addition of excepted positions when the legislature is not in session as follows:

(1) Authorizes the Joint Legislative Committee on the Budget to approve compensation for a person appointed to a position as a state official or employee when the legislature is not in session whose compensation exceeds the proposed law limit and has not been approved by the legislature in accordance with proposed law, but such approval is effective only for the remainder of the fiscal year.

(2) Authorizes the Joint Legislative Committee on the Budget to except additional positions from legislative approval, but such exceptions shall be effective only for the then current fiscal year unless added by law.

Effective July 1, 2011.

(Adds R.S. 39:85.1)

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