

- SUBJECT:** Gifts made to a state agency for a state employee salary supplement
- COMMITTEE:** Transparency in State Agency Operations, Select — favorable, without amendment
- VOTE:** 5 ayes — Flynn, Larson, Martinez Fischer, Perry, Price
0 nays
3 absent — Alvarado, N. Gonzalez, Johnson
- WITNESSES:** For — (*Registered, but did not testify:* Donnis Baggett, Texas Press Association)
Against — None
On — (*Registered, but did not testify:* Tom Currah, Comptroller of Public Accounts; John Keel, Texas State Auditor's Office)
- BACKGROUND:** Government Code, ch. 659 prohibits state employees whose position falls under the state position classification plan or whose exempt position is funded by the general appropriations act from receiving a salary supplement from any source. Government Code, sec. 654.012 exempts certain state employees from the state position classification plan, such as professors at public higher education institutions.
- DIGEST:** HB 12 would amend Government Code, ch. 659 to require state agencies to post on their websites certain information regarding salary supplements to agency employees from outside private donations.
The bill would prohibit a state agency from accepting a gift, grant, or donation to be used as a salary supplement for an employee unless the donor provided the agency with the methodology used for determining the salary supplement. The donor also would have to post on his or her personal website the specific information regarding the donation.
The state auditor would have to adopt a schedule and format for reporting the information regarding donations made for salary supplements.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

**SUPPORTERS
SAY:**

HB 12 would improve transparency in state agency policies. Donations made to supplement a state employee's income should be treated as a public record, just as the actual state salary dollar amount is a public record. In ensuring transparency, the bill would help protect a state agency from any improper outside influence. Posting this information on a state agency's website would make sure it was accessible to any resident of the state.

**OPPONENTS
SAY:**

Requiring an individual making a donation toward a state employee's salary supplement to post certain information and methodology on a personal website would result in a huge imposition on donors. These donors might not be willing to donate.

This especially would affect public universities. Institutions of higher education rely on private sources to fund excellent education and research programming. Without private funds for endowments, it would be difficult to recruit and retain the very best faculty at the state's universities.