

Regular Session, 2010

SENATE BILL NO. 329

BY SENATOR HEBERT

COLLEGES/UNIVERSITIES. Requires the Board of Regents and each postsecondary education management board to reduce the amount expended for salaries of certain non-instructional employees to the salary allocated to such employee's position on Jan. 1, 2008. (7/1/10)

1 AN ACT
2 To require the Board of Regents and each postsecondary education management board to
3 reduce the amount expended for salaries of certain non-instructional employees to
4 certain levels; to provide for exceptions; to provide relative to employees who are
5 employed pursuant to contractual arrangements; to provide relative to reallocation
6 of certain monies to be used to mitigate budget reductions in instruction, research
7 and academic support activities; to provide an effective date; and to provide for
8 related matters.
9 Be it enacted by the Legislature of Louisiana:
10 Section 1. A. Notwithstanding any other law to the contrary, the Board of Regents
11 and each postsecondary education management board shall reduce the amount expended for
12 the salary of any non-instructional employee, who is paid either entirely or partially from
13 unrestricted funds appropriated to the Board of Regents and each postsecondary education
14 management board in "Schedule 19 - Higher Education" of the General Appropriations Act,
15 to the salary allocated to such non-instructional employee's position in effect on January 1,
16 2008. The provisions of this Section shall only apply to an employee whose position is
17 allocated a salary of one hundred thousand dollars or more annually on the effective date of

1 this Act.

2 B.(1) Any personnel decision or salary reduction determined to be necessary by the
3 Board of Regents or a postsecondary education management board pursuant to Subsection
4 (A) of this Section shall not apply to those employees who are employed under contractual
5 arrangements which prohibit such reductions. However, for any other employee who is
6 employed under contractual arrangements, to the extent permitted by law and the terms of
7 the contract, the compensation shall be subject to a reduced amount upon renewal or
8 extension of the contract.

9 (2) Beginning on the effective date of this Act, any contract entered into by the Board
10 of Regents or a postsecondary education management board shall include a fiscal funding
11 clause which provides that the continuation of a contract for employment is contingent upon
12 the appropriation by the legislature of funds to fulfill the requirements of the contract. If the
13 legislature fails to appropriate sufficient monies to provide for continuation of the contract,
14 or if such appropriation is reduced by the veto of the governor or by any means provided in
15 the General Appropriations Act to prevent the total appropriation for the fiscal year from
16 exceeding revenues for that year, or for any other lawful purpose, and the effect of such
17 reduction is that insufficient monies are provided for the continuation of the contract, the
18 contract shall terminate on the date of the beginning of the first fiscal year for which funds
19 are not appropriated. Agreement to the fiscal funding clause shall be a condition of
20 employment.

21 C. The provisions of this Act shall not apply to the following:

22 (1) Any employee who is employed to provide direct instruction, engage in research,
23 and provide academic support activities as defined by the National Association of College
24 and University Business Officers.

25 (2) Any employee who receives a salary which is paid partially or entirely by a
26 college or university foundation that raises private funds for the support of a public
27 institution of postsecondary education or by any other private, nonprofit foundation or
28 source.

29 D. Any reallocation of appropriated funds pursuant to this Section shall be used to

1 mitigate any budget reductions made in funding for postsecondary education instruction,
2 research, and academic support activities.

3 Section 2. This Act shall become effective on July 1, 2010; if vetoed by the governor
4 and subsequently approved by the legislature, this Act shall become effective on July 1,
5 2010, or on the day following such approval by the legislature, whichever is later.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Sherri H. Breaux.

DIGEST

Requires, notwithstanding any other law to the contrary, the Board of Regents and each postsecondary education management board to reduce the amount expended for the salary of any non-instructional employee, who is paid either entirely or partially from unrestricted funds appropriated to the Board of Regents (BOR) and each postsecondary education management board in Schedule 19 of the General Appropriations Act, to the salary allocated to such non-instructional employee's position in effect on January 1, 2008. Provides for application only to an employee who has a salary of \$100,000 or more annually.

Provides for any personnel decision or salary reduction determined necessary does not apply to those employees who are employed under contractual arrangements prohibiting such reductions. Provides, however, for any other employee who is employed under contractual arrangements, to the extent permitted by law and the terms of the contract, the compensation will be subject to a reduced amount upon renewal or extension of the contract. Provides that any contract entered into by the BOR or a management board on or after July 1, 2010, must include a fiscal funding clause which provides that the continuation of a contract for employment is contingent upon the appropriation by the legislature of funds to fulfill the requirements of the contract. Provides that if the legislature fails to appropriate sufficient monies to provide for contract continuation, or if such appropriation is reduced by the governor's veto or by any means provided in the General Appropriations Act to prevent the total appropriation for the fiscal year from exceeding revenues for that year, or for any other lawful purpose, and the effect of such reduction is that insufficient monies are provided for the continuation of the contract, the contract will terminate on the date of the beginning of the first fiscal year for which funds are not appropriated. Requires agreement to the fiscal funding clause shall be a condition of employment.

Provides that such provisions do not apply to the following:

- (1) Any employee who is employed to provide direct instruction, engage in research, and provide academic support activities.
- (2) Any employee who receives a salary which is paid partially or entirely by a college or university foundation or by any other private, nonprofit foundation or source.

Requires that any reallocation of appropriated funds be used to mitigate any budget reductions made in funding for postsecondary education instruction, research, and academic support activities.

Effective July 1, 2010.