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

DIGEST

Present constitution (Art. VIII, Sec. 5(D)(4) and (5)) provides for the powers of the Board of Regents (BOR), including the power to formulate and make timely revision of a master plan for postsecondary education. Requires the plan, at a minimum, to include a formula for equitable distribution of funds to the institutions of postsecondary education. Further provides for the power to require that every postsecondary education board submit to the BOR, at a time it specifies, an annual budget proposal for the operational needs and for capital needs of each institution under the control of each board. Requires the BOR to submit its budget recommendations for all institutions of postsecondary education and recommend priorities for capital construction and improvements.

Proposed law retains the powers of the BOR in present constitution.

Present law (R.S. 17:3129) provides that the BOR may require that every higher education management board submit to it, at a time it specifies, an annual budget proposal for operational and capital needs of each institution under the control of each management board. Requires the BOR to submit to the governor and to the legislature its budget recommendations for all institutions of postsecondary education, including priorities for capital construction and improvements for such institutions. Requires that the legislature consider the recommendations of the BOR regarding the budget for capital construction and improvements prior to adoption of the capital construction budget by the legislature for projects from such priority list. Provides for the appropriation of funds by the legislature for the operating and administrative expenses of the constitutionally created board. Provides that appropriations for the institutions of higher education be made to and administered by their managing boards.

Proposed law retains present law.

Present law requires the BOR to formulate and adopt a formula for distribution of funds appropriated by the legislature for deferred maintenance for all institutions of higher education and give priority to those institutions with preventive maintenance programs.

Proposed law retains present law but further requires that any funding formula for the ensuing year be annually approved by the legislature by a concurrent resolution adopted by the favorable vote of a majority of the elected members of each house.

Present law (R.S. 17:3130(B)(1)) provides that the constitutional responsibilities of the BOR, including the development of a formula for equitable distribution of funds, apply to all public postsecondary institutions, including vocational-technical schools.

Proposed law retains present law, but removes obsolete reference to "vocational-technical

schools", in that such technical colleges are considered as public postsecondary education institutions.

Proposed law provides that, beginning with Fiscal Year 2011-2012, such formula for the ensuing year to be annually approved by the legislature by a concurrent resolution adopted by the favorable vote of a majority of the elected members of each house.

Present law requires that the format and content of the annual operating budget, the operational plan, and the budget request to be used by higher education agencies to be prescribed by the BOR, subject the approval of the division of administration, and developed in consultation with the chairmen of the House Committee on Appropriations and Senate Committee on Finance.

Proposed law requires that the format and content of the operating budget and plan also be subject to the approval of both the House Committee on Appropriations and Senate Committee on Finance, instead of in consultation with the chairmen, but otherwise retains present law.

Present law requires each higher education agency to prepare an annual operating budget, which is subject to approval by both the appropriate management board and the BOR. Provides for the operating budget to contain, at a minimum, budgetary information on prior year actual revenues and expenditures and current year budgeted revenues and expenditures, and the other budgetary information for the prior and current fiscal years.

Proposed law requires preparation of the annual operating budget as required in present law prior to legislative approval.

Present law requires the budget request submitted by the BOR to consist of the current approved annual operating budget and the operational plan for each higher education agency, and a funding request for the agency under the higher education funding formula most recently adopted by the BOR.

Proposed law requires the budget request submitted to include the funding request under the funding formula most recently adopted by the BOR and the legislature.

Proposed law makes certain technical corrections in terminology from "higher" education to "postsecondary" education.

Effective August 15, 2010.

(Amends R.S. 17:3129(C) and (E), and 3130(B)(1), and R.S. 39:28(C) and 32.1; adds R.S. 17:3129(F))