

Regular Session, 2011

HOUSE BILL NO. 537

BY REPRESENTATIVE TUCKER AND SENATOR APPEL

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

HIGHER EDUCATION: Provides for the transfer of UNO from the LSU System to the UL System and specifies goals for the postsecondary education delivery system for the New Orleans region

1 AN ACT

2 To amend and reenact R.S. 17:3217, to enact R.S. 17:3230 and Part III-A of Chapter 26 of
3 Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3241,
4 and to repeal R.S. 17:3215(2), relative to postsecondary education; to provide for the
5 transfer of the University of New Orleans to the University of Louisiana System; to
6 provide relative to the transfer of the facilities, resources, funds, obligations, and
7 functions of the institution and related foundations; to provide for the transition
8 responsibilities of the impacted institution and management boards and the division
9 of administration; to provide for cooperative agreements; to provide relative to
10 accreditation issues; to provide relative to funding; to provide relative to employees;
11 to provide for effectiveness; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 17:3217 is hereby amended and reenacted and R.S. 17:3230 and Part
14 III-A of Chapter 26 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised
15 of R.S. 17:3241, are hereby enacted to read as follows:

16 §3217. University of Louisiana ~~system~~ System

17 The University of Louisiana ~~system~~ System is composed of the institutions
18 under the supervision and management of the ~~Board of Trustees for State Colleges~~
19 ~~and Universities~~ Board of Supervisors for the University of Louisiana System as
20 follows:

21 (1) Grambling State University at Grambling.

- 1 (2) Louisiana Tech University at Ruston.
- 2 (3) McNeese State University at Lake Charles.
- 3 (4) Nicholls State University at Thibodaux.
- 4 ~~(5) Northeast Louisiana University of Louisiana at Monroe.~~
- 5 ~~(6)~~(5) Northwestern State University of Louisiana at Natchitoches.
- 6 ~~(7)~~(6) Southeastern Louisiana University at Hammond.
- 7 ~~(8) University of Southwestern Louisiana at Lafayette.~~
- 8 (7) The University of Louisiana at Lafayette.
- 9 (8) The University of Louisiana at Monroe.
- 10 (9) The University of New Orleans.

11 ~~(9)~~(10) Any other college, university, school, institution or program now or
 12 hereafter under the supervision and management of the ~~Board of Trustees for State~~
 13 ~~Colleges and Universities~~ Board of Supervisors for the University of Louisiana
 14 System.

15 * * *

16 §3230. The University of New Orleans; transfer to the University of Louisiana
 17 System

18 A.(1) Not later than August 1, 2011, the chancellor of the University of New
 19 Orleans shall submit a letter to the president of the Southern Association for Colleges
 20 and Schools, Commission on Colleges, stating his intent for a change in governance
 21 for the institution from the Board of Supervisors of Louisiana State University and
 22 Agricultural and Mechanical College to the Board of Supervisors for the University
 23 of Louisiana System.

24 (2) The chancellor, faculty, and administration of the University of New
 25 Orleans shall take every action necessary to efficiently and expeditiously comply
 26 with all established timelines, requirements, and procedures to ensure that the
 27 requested change of governance may be effected immediately upon receipt of
 28 commission approval.

29 B.(1) Pursuant to the authority granted to the legislature by Article VIII,

1 Section 5(D)(3) of the Constitution of Louisiana to transfer an institution from one
2 board to another by law enacted by two-thirds of the elected members of each house,
3 the University of New Orleans, and the assets, funds, obligations, liabilities,
4 programs, and functions related thereto, are hereby transferred to the University of
5 Louisiana System and shall be under the management and supervision of the Board
6 of Supervisors for the University of Louisiana System.

7 (2) The provisions of this Subsection shall become effective immediately
8 upon receipt of approval from the Southern Association for Colleges and Schools,
9 Commission on Colleges, for the requested change in governance.

10 C. The Board of Supervisors for the University of Louisiana System shall
11 develop policies and procedures to resolve issues related to the status and tenure of
12 employees of the University of New Orleans which may arise from the transfer of
13 the institution to the University of Louisiana System.

14 D. The Board of Supervisors of Louisiana State University and Agricultural
15 and Mechanical College shall:

16 (1) Continue to exercise its authority to supervise and manage the University
17 of New Orleans until such time as the Southern Association for Colleges and
18 Schools, Commission on Colleges, grants approval for the requested change in
19 governance and transfer of the University of New Orleans to the University of
20 Louisiana System.

21 (2)(a) Work cooperatively and collaboratively with the Board of Supervisors
22 for the University of Louisiana System to ensure that the requested transfer may be
23 effected immediately upon receipt of commission approval for the change in
24 governance.

25 (b) Prior to receipt of such approval, enter into agreements to transfer as
26 many administrative and supervisory functions as possible with respect to the
27 University of New Orleans to the University of Louisiana System without adversely
28 impacting the accreditation status of the institution.

29 (3) Upon receipt of such approval, immediately transfer all assets, funds,

1 facilities, property, obligations, liabilities, programs, and functions relative to the
2 University of New Orleans to the University of Louisiana System.

3 E. The Board of Supervisors of Louisiana State University and Agricultural
4 and Mechanical College shall not:

5 (1) Interfere with, or impede in any way, the processes to transfer the
6 University of New Orleans to the University of Louisiana System.

7 (2) Sell, transfer, or otherwise remove any asset or thing of value, movable
8 or immovable, tangible or intangible, attributable to or owned by the University of
9 New Orleans, or owned, leased by, or operated by any foundation related to such
10 institution on the effective date of this Section. In addition, access to any asset
11 leased to any foundation related to the University of New Orleans shall not be
12 restricted or denied.

13 (3) Incur, transfer, or assign any debt or other responsibility or obligation to
14 the University of New Orleans that is not properly attributable to the institution on
15 the effective date of this Section.

16 (4)(a) Disproportionately reduce or reallocate the level of funding that would
17 otherwise be allocated to the University of New Orleans pursuant to the
18 postsecondary education funding formula.

19 (b) Until such time as the University of New Orleans is transferred to the
20 University of Louisiana System, no budget reductions or changes in funding
21 allocations shall be imposed upon the institution without prior review and approval
22 from the Joint Legislative Committee on the Budget.

23 (5) Take any personnel action with regard to any instructional or
24 administrative employee of the University of New Orleans without the prior approval
25 of the Board of Regents.

26 F. The commissioner of administration shall ensure that sufficient funds and
27 resources are available to fully effect the transfer of the University of New Orleans
28 to the University of Louisiana System.

29 * * *

1 PART III-A. POSTSECONDARY EDUCATION DELIVERY SYSTEM FOR
2 THE NEW ORLEANS REGION

3 §3241. Legislative intent; goals

4 A. It is the intent of the legislature that a comprehensive, integrated regional
5 delivery system be provided for the delivery of public postsecondary education
6 services in the New Orleans region which system will:

7 (1) Provide a world class educational environment that will meet the
8 academic needs and interests of every student, while providing each student with the
9 support, assistance, and guidance necessary to attain his or her educational goals and
10 aspirations.

11 (2) Ensure that students who are academically unprepared are provided the
12 educational resources they need to have a reasonable chance for success in their
13 academic pursuits.

14 (3) Raise the educational attainment of the population, improve the quality
15 of life, and contribute to the economic well being of the New Orleans region.

16 (4) Make optimal use of facilities, faculties, and other academic and fiscal
17 resources associated with the public postsecondary institutions in the region.

18 B. The legislature finds that these goals will best be accomplished through
19 the following actions:

20 (1) The Board of Regents shall adopt by not later than February 1, 2012, a
21 written plan of action including timelines, deadlines, requirements, and procedures
22 for achieving the goals specified in Subsection A of this Section as such goals relate
23 to the powers, duties, functions, and responsibilities of the board provided by Article
24 VIII, Section 5, of the Constitution of Louisiana and other applicable law. The board
25 shall submit copies of the adopted action plan to the House Committee on Education
26 and the Senate Committee on Education.

27 (2) The Board of Supervisors of Southern University and Agricultural and
28 Mechanical College, the Board of Supervisors for the University of Louisiana
29 System, and the Board of Supervisors of Community and Technical Colleges each

1 shall adopt by not later than February 1, 2012, a written plan of action including
 2 timelines, deadlines, requirements, and procedures for achieving the goals specified
 3 in Subsection A of this Section as they relate to the powers, duties, functions, and
 4 responsibilities of the boards provided by Article VIII, Section 5(E), of the
 5 Constitution of Louisiana and other applicable law. Each board also shall submit
 6 copies of its adopted action plan to the House Committee on Education and the
 7 Senate Committee on Education.

8 Section 2. R.S. 17:3215(2) is hereby repealed.

9 Section 3. This Act shall become effective upon signature by the governor or, if not
 10 signed by the governor, upon expiration of the time for bills to become law without signature
 11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 13 effective on the day following such approval.

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)]

Tucker

HB No. 537

Abstract: Provides for the transfer of the University of New Orleans from the Louisiana State University System to the University of Louisiana System, states legislative findings relative to goals for the postsecondary education delivery system for the New Orleans Region, and requires the Board of Regents and three public postsecondary education management boards to develop written action plans to best accomplish these goals.

Proposed law provides for the transfer of the University of New Orleans (UNO) from the Louisiana State University (LSU) System to the University of Louisiana (UL) System as follows:

- (1) Requires the chancellor of UNO to submit a letter to the president of the Southern Association for Colleges and Schools, Commission on Colleges (SACS), not later than Aug. 1, 2011, stating his intent for a change in governance from the Board of Supervisors of the LSU System to the Board of Supervisors for the UL System.
- (2) Requires the chancellor, faculty, and administration of UNO to take every action necessary to efficiently and expeditiously comply with all SACS timelines, requirements, and procedures to ensure that the requested change of governance may be effected immediately upon receipt of commission approval.
- (3) Transfers UNO to the UL System, pursuant to the authority granted to the legislature by the La. Constitution to transfer an institution from one board to another by law

enacted by two-thirds of the elected members of each house. Also transfers the assets, funds, obligations, liabilities, programs, and functions related to the institution.

- (4) Requires the Board of Supervisors for the UL System to develop policies and procedures to resolve issues related to the status and tenure of UNO employees which may arise from the transfer.

Provides that the LSU Board of Supervisors shall:

- (1) Continue to exercise its authority to supervise and manage UNO until such time as SACS grants approval for the requested change in governance and transfer of the institution to the UL System.
- (2) Work cooperatively and collaboratively with the UL System board to ensure that the transfer may be effected immediately upon receipt of SACS approval.
- (3) Enter into agreements to transfer as many UNO administrative and supervisory functions as possible to the UL System, prior to receipt of SACS approval, without adversely impacting the accreditation status of the institution.
- (4) Immediately transfer all assets, funds, facilities, property, obligations, liabilities, programs, and functions relative to UNO to the UL System, upon receipt of SACS approval for the transfer.

Provides that the LSU Board of Supervisors shall not:

- (1) Interfere with or impede in any way the processes to transfer UNO to the UL System.
- (2) Sell, transfer, or otherwise remove any asset or thing of value, movable or immovable, tangible or intangible, attributable to or owned by UNO, or owned, leased by, or operated by any foundation related to UNO on the effective date of proposed law. Further provides that access to any asset leased to any foundation related to UNO shall not be restricted or denied.
- (3) Incur, transfer, or assign any debt or other responsibility or obligation to UNO that is not properly attributable to either institution on the effective date of proposed law.
- (4) Disproportionately reduce or reallocate the level of funding that would otherwise be allocated to UNO pursuant to the postsecondary education funding formula. Provides that until UNO is transferred to the UL System, no budget reductions or changes in funding allocations for the institution shall be imposed without prior review and approval from the Joint Legislative Committee on the Budget.
- (5) Take any personnel action with regard to any instructional or administrative employee of UNO without the prior approval of the Board of Regents.

Proposed law requires the commissioner of administration to ensure that sufficient funds and resources are available to fully effect the transfer of UNO to the UL System.

Present law (R.S. 17:3215(2)) places UNO in the LSU System.

Proposed law repeals present law.

Proposed law (R.S. 17:3241) states legislative intent that a comprehensive, integrated regional delivery system be provided for the delivery of public postsecondary education services in the New Orleans region. Specifies delivery system goals and requires the Board of Regents and the management boards for the UL System, Southern University System, and

Community and Technical College System to adopt (by not later than Feb. 1, 2012) written action plans to accomplish the goals. Provides for the adopted action plans to be submitted to the legislative education committees.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 17:3217; Adds R.S. 17:3230 and 3241; Repeals R.S. 17:3215(2))

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Changes proposed law to provide for the transfer of UNO from the LSU System to the UL System, state legislative findings relative to goals for the postsecondary education delivery system for the New Orleans Region, and require the Board of Regents and three public postsecondary education management boards to develop written action plans to best accomplish these goals rather than to provide for the consolidation of SUNO and UNO and for management of the consolidated institution by the UL System.