

Regular Session, 2011

HOUSE BILL NO. 588

BY REPRESENTATIVES CARMODY AND TUCKER

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

HIGHER EDUCATION: Provides for the governance, management, and supervision of public postsecondary education institutions

1 AN ACT

2 To amend and reenact R.S. 36:651(D) and to enact Chapter 5-C of Title 17 of the Louisiana
3 Revised Statutes of 1950, comprised of R.S. 17:1891 through 1899.12, relative to the
4 management of public postsecondary education in Louisiana; to create the Louisiana
5 Postsecondary Education Board of Trustees and to abolish the Board of Regents, the
6 Board of Supervisors of Louisiana State University and Agricultural and Mechanical
7 College, the Board of Supervisors of Southern University and Agricultural and
8 Mechanical College, the Board of Supervisors of the Community and Technical
9 Colleges and the Board of Supervisors for the University of Louisiana System; to
10 provide for the powers and duties of the Louisiana Postsecondary Education Board
11 of Trustees; to provide for implementation and transition; and to provide for related
12 matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. Chapter 5-C of Title 17 of the Louisiana Revised Statutes of 1950,
15 comprised of R.S. 17:1891 through 1899.12, is hereby enacted to read as:

16 CHAPTER 5-C THE LOUISIANA POSTSECONDARY EDUCATION

17 BOARD OF TRUSTEES

18 PART I. ORGANIZATION, POWERS, AND RESPONSIBILITIES

19 §1891. Board of Trustees; creation; membership; terms of office; vacancies;
20 responsibilities

1 A. The Louisiana Postsecondary Education Board of Trustees, referred to
2 hereinafter in this chapter as the board or the board of trustees, is created as a body
3 corporate. The board shall set and implement policy for postsecondary education.

4 B. The board shall be composed of fifteen members appointed by the
5 governor with the consent of the Senate, who are electors of the state. Members
6 shall be appointed in such manner that at least one but no more than two shall be
7 residents of each congressional district.

8 C. The terms of the members shall be six years, except that the terms of the
9 initial members shall be as provided in R.S. 17:3122. Members shall serve until their
10 successors are appointed and take office.

11 D. A vacancy occurring prior to the expiration of a term shall be filled for
12 the unexpired portion of the term within thirty days after the date on which the
13 vacancy occurs by appointment by the governor, with the consent of the Senate.
14 Within twenty-four hours after being informed of a vacancy on the board, the
15 chairman of the board or the officer exercising his duties shall notify the governor
16 by certified mail of the vacancy and the effective date thereof.

17 E. The board shall be the representative of public higher education
18 institutions of similar size and degree program and be responsible for providing
19 advice and recommendations concerning higher education to the governor and the
20 legislature.

21 §1891.1. Student membership on the board

22 A. There shall be one student member of the Board of Regents. The student
23 member shall be elected to the board by and from the membership of a council
24 composed of the student body presidents-elect of the colleges and universities under
25 the jurisdiction of the board. The board shall establish procedures for the election
26 of the student member by the newly elected council of student body presidents. The
27 newly elected council of student body presidents shall meet upon the call of the
28 incumbent student member. Such meeting shall occur after the spring election of all

1 student body presidents of the member colleges and universities and before May
2 thirty-first of each year.

3 B. The student member shall be elected for a one-year term beginning on
4 June first of each year. The student member shall serve until his successor takes
5 office.

6 C. The student member shall have all the privileges and rights of other board
7 members and shall receive the same per diem, travel, and other expenses as other
8 members of the board.

9 D. A vacancy in the office of the student member shall be filled for the
10 unexpired portion of the term in the manner provided in Subsection A herein and as
11 otherwise provided by the board.

12 §1892. Domicile; organization and meetings of board; rules

13 A. The board shall be domiciled in the city of Baton Rouge, parish of East
14 Baton Rouge.

15 B. The members of the board shall elect from among their number a
16 chairman and a vice-chairman and such other officers as they deem necessary, whose
17 terms shall be as fixed by the board.

18 C. Eight members of the board shall constitute a quorum for the transaction
19 of business and all official action of the board shall require the favorable vote of a
20 majority of the members of the board.

21 D.(1) The board shall adopt rules for the transaction of its business and shall
22 keep an accurate record of all of its proceedings and official actions. All papers,
23 documents and records appertaining to the board shall be filed at the domicile of the
24 board.

25 (2) All rules adopted by the board, exclusive of those regulating only the
26 internal management of the board's affairs, and those adopted in exercising and
27 fulfilling its duties and functions as specifically enumerated in Article VIII, Section
28 5(D) of the Louisiana Constitution, shall be adopted in accordance with the
29 Administrative Procedure Act.

1 (3) The board shall submit a copy of any order, rule, regulation, plan,
2 agreement, policy, or recommendation that is not adopted in accordance with the
3 provisions of the Administrative Procedure Act to the Senate Committee on
4 Education and the House Committee on Education, along with the written reasons
5 and explanations therefor and a summary report of the proceedings of any public
6 hearings conducted prior to the adoption of such order, rule, regulation, plan, policy,
7 or recommendation.

8 E. The board shall meet on or before the second Monday in January of each
9 year, at other times as fixed by the board, or upon call of the chairman. The board
10 shall meet at least twice yearly with the State Board of Elementary and Secondary
11 Education in accordance with the provisions of Paragraph D of Section 5 of Article
12 VIII of the Louisiana Constitution of 1974.

13 F. The first meeting of the board shall be held in Baton Rouge on the call of
14 the governor within ten days after the appointment by the governor of initial
15 members of the board. In no event shall the first meeting of the board be held later
16 than June 1, 2012.

17 §1892.1. Internet broadcast of board and committee meetings; archives

18 A. The board shall broadcast over the Internet live audio and video streams
19 of all its board and committee meetings held in Baton Rouge.

20 B. All meetings broadcast in accordance with Subsection A of this Section
21 shall be recorded, archived, and made accessible to the public for at least one year
22 after the date of the meeting.

23 C. The provisions of this Section shall apply to all meetings of the board and
24 its committees, but shall not apply to executive sessions held in accordance with the
25 Louisiana Open Meetings Law as provided in R.S. 42:11 et seq.

26 D. The audio and video records created pursuant to this Section shall not be
27 construed in a manner to be the official record, or any part of the official record, of
28 the proceedings of a meeting of the board or any of its committees.

1 E. If the board is precluded from fulfilling the requirements of this Section
2 due to a technical problem beyond its control, or when the only meeting room
3 available lacks the equipment necessary to facilitate Internet broadcast, the failure
4 to broadcast or record the proceedings of a meeting of the board or any of its
5 committees shall not be construed to be a violation of the provisions of this Section.

6 §1893. Commissioner of higher education; appointment; qualifications; powers,
7 duties and functions; compensation

8 A. The board of trustees shall appoint a commissioner of higher education
9 to administer and implement board programs and policies and who shall possess such
10 qualifications and have such other powers, functions, duties, and responsibilities as
11 established by the board or as provided by law.

12 B. The commissioner of higher education shall be appointed by a two-thirds
13 vote of the total membership of the board and shall be subject to confirmation by the
14 Senate.

15 C. The salary of the commissioner of higher education shall be determined
16 by the board, subject to the approval of the Joint Legislative Committee on the
17 Budget.

18 §1894. System office; functions; powers

19 A.(1) The Board of Trustees shall employ a support staff. The Commissioner
20 of Higher Education shall be its head. Management decisions only of a significant
21 import shall require a board vote.

22 (2) The Board of Trustees shall be responsible for all planning functions of
23 its system office; however, it shall delegate the day-to-day management of the
24 institutions under its control to the commissioner. The commissioner shall be
25 responsible for the day-to-day management of postsecondary institutions.

26 B.(1) The support staff shall be domiciled in the same geographic location
27 as the board. It shall possess certain divisions to manage the institutions under the
28 control of the board, which shall include personnel, legal, facilities, information

1 technology, finance, academic planning. It shall have an office overseeing data,
2 policy, and performance.

3 (2) In addition, it shall possess divisions by institutional classification to be
4 headed by a deputy commissioner. These divisions will manage the operations of
5 similar type institutions with the purpose of maximizing resources, exercising
6 economies of scale, and preserving role, scope, and mission of their respective
7 constituent institutions. The level at which these divisions provide such management
8 shall reflect the operational needs of constituent institutions, providing a single
9 managerial entity when appropriate.

10 §1895. Power to disapprove; approve; or modify; service regions, establishment

11 A. The board of trustees shall have the power to approve, disapprove, or
12 modify a proposed degree program, department of instruction, division or similar
13 subdivision.

14 B. No college or university may institute a new degree program or
15 department of instruction, division, or similar subdivision without the final approval
16 of the board.

17 C.(1) The Board of Trustees shall formulate and establish geographic regions
18 of the state in order to maximize the use of the instructional and physical resources
19 of existing state postsecondary educational institutions and regionally accredited
20 independent postsecondary educational institutions and to provide broad citizen
21 access to the education and training services provided by such institutions. The
22 board shall establish the regions such that at least one public institution of higher
23 education which awards baccalaureate degrees shall be within the geographic
24 boundaries of or shall be assigned by the board to each region.

25 (2)(a) The board shall evaluate the instructional and physical resources of
26 such existing institutions within each region, including the resources of existing
27 higher education institutions, and shall assure maximum use thereof before
28 recommending the creation of any new postsecondary institution within the region.
29 The board may provide for the use within a region of existing resources from outside

1 the region before recommending the creation of any new postsecondary institution
2 within the region.

3 (b) Such evaluation shall also be used by the board to create efficiencies,
4 increase student access, enhance academic quality, further the goals established by
5 the master plan for postsecondary education, and for any other purpose that will
6 serve to advance postsecondary education in each region and the state as a whole.

7 (c) The board shall adopt such policies and take such actions deemed
8 appropriate and necessary to maximize the use of all resources available to support
9 and promote postsecondary education in the state.

10 §1896. Power with respect to new institutions

11 The board shall have the power to study the need for and feasibility of
12 creation of any new institution of post-secondary education, including branches of
13 institutions and conversion of institutions that grant primarily associate degrees to
14 institutions offering longer courses of study.

15 §1897. Power to formulate master plan; mission establishment

16 A. The board shall formulate and make timely revision of a master plan for
17 postsecondary education. As a minimum, the plan shall include a formula for
18 equitable distribution of funds to the institutions of postsecondary education. The
19 board shall submit its plan and formula for funding to the governor and the
20 legislature.

21 B.(1) After consultation the chancellor, and the president of each public
22 institution of public postsecondary education, the board shall devise, describe, and
23 establish a mission for each such institution. Each mission statement shall be
24 reviewed periodically and shall be individually revised as often as is necessary to
25 achieve and maintain the institutional balance necessary to diversity, access, and
26 excellence.

27 (2) The board shall make such recommendations for legislative or
28 gubernatorial action necessary to support the development of each institution as
29 provided in its mission statement. Annually, the board shall report to the legislature

1 and the governor on the status of higher education relative to the mission statements,
2 including in such report all revisions since the last report and any recommendations
3 for legislative or gubernatorial action.

4 (3) Each mission statement devised pursuant to this Section shall include a
5 description of:

6 (a) The intended role and scope of each institution, describing with some
7 specificity its geographic service area, the student population intended to be served,
8 and regional collaboration between institutions including course articulation and the
9 transfer of students.

10 (b) Its public service contribution.

11 (c) Its academic and research goals, particularly describing programs being
12 emphasized.

13 (d) Its contribution toward, and proper role in, the collective goals of public
14 higher education of diversity, access, and excellence.

15 §1898. Power to recommend budget

16 A. The Board of Trustees may require that each public postsecondary
17 education institution submit to it, at a time it specifies, an annual budget proposal for
18 the institution's operational and capital needs.

19 B.(1) The board shall submit to the governor and to the legislature its budget
20 recommendations for all institutions of higher learning in the state. The budget
21 recommendation shall be based in part on institutional performance in accordance
22 with R.S. 17:3139.

23 (2)(a) The board shall submit to the governor and to the legislature the
24 priorities for capital construction and improvements for all institutions of higher
25 learning in the state. At the same time as it submits such priorities, the board shall
26 submit its recommendations for the budget for capital construction and
27 improvements to the governor and the legislature.

28 (b) The legislature shall consider the recommendations of the board
29 regarding the budget for capital construction and improvements. The

1 recommendations of the board shall be considered prior to adoption of the capital
2 construction budget by the legislature for projects from the priority list submitted by
3 the board.

4 C. The legislature shall appropriate funds for the operating and
5 administrative expenses of the state boards created by or pursuant to Article VIII of
6 the Constitution of Louisiana. Appropriations for the institutions of postsecondary
7 education shall be made to board of trustees. The funds appropriated shall be
8 administered by the board and used solely as provided by law.

9 D.(1) Pursuant to Subsection A of this Section, the board shall require, as a
10 part of any annual budget proposal submitted to it by an institution for its operational
11 and capital needs, that such proposal include recommended funding needed to make
12 the facilities and learning environments at the institution accessible to persons with
13 motor and sensory impairments.

14 (2) The board, in consultation with the Department of Social Services and
15 other appropriate persons, as determined by the board, shall develop and adopt rules
16 and guidelines to be used for determining such recommended funding. Such rules
17 and guidelines shall include but not be limited to an initial review and analysis, with
18 an annual update thereafter, of the institution's facilities and learning environments
19 from the standpoint of accessibility to persons with motor and sensory impairments.
20 Such review and analysis shall include a determination as to whether or not the
21 institution's facilities and learning environments are in compliance with the federal
22 Americans with Disabilities Act and other applicable federal and state laws and
23 agency rules and regulations.

24 (3) Budget recommendations submitted annually by the board pursuant to
25 Subsection B of this Section shall consider recommended funding based upon the
26 institutions' recommendations made pursuant to Paragraph D(1) of this Section.

27 E. The board shall formulate and adopt a formula for distribution of funds
28 appropriated by the legislature for deferred maintenance. This formula shall be

1 effective for all institutions of postsecondary education and shall give priority to
2 those institutions with preventive maintenance programs.

3 F. Any formula formulated and adopted by the board for funding institutions
4 of postsecondary education in the ensuing year as provided in this Section shall be
5 annually reported to the Senate Committee on Education, the Senate Committee on
6 Finance, the House Committee on Education, and the House Committee on
7 Appropriations, not later than March fifteenth of each year.

8 §1899. Power to provide for articulation

9 A.(1) The Board of Trustees shall implement common core courses that
10 articulate from any institution of public higher education to any other such
11 institution, taking into consideration the accreditation criteria of the institution
12 receiving the credit.

13 (2) The board shall adopt and implement articulated units of course work
14 common among specified degree programs, taking into consideration the
15 accreditation criteria of the institution receiving the credit.

16 (3) The board shall provide for the implementation of a computer-based
17 system of articulation assessment that is accessible by all postsecondary students.

18 (4) The board shall report in writing by December thirty-first of each year
19 to the House and Senate Committees on Education on the extent to which the course
20 articulation goals and objectives provided for by this Subsection have been achieved
21 and the plan and time line to fully accomplish these purposes.

22 B.(1) The board and the State Board of Elementary and Secondary
23 Education, in cooperation with local school boards, shall implement articulation
24 agreements that provide opportunities for secondary school students to take
25 vocational-technical courses and community college courses provided by two-year
26 institutions. Such opportunities shall be provided either on-site at the secondary or
27 the postsecondary institution or at another location in a manner that takes into
28 account cost-effectiveness for the institutions providing the instruction and
29 accessibility for students.

1 (2) The board and the State Board of Elementary and Secondary Education
2 shall report to the legislature by December thirty-first of each year on the status of
3 such articulation programs, including the types of programs being offered and the
4 specific number of secondary students taking advantage of such opportunities.

5 §1899.1. Louisiana Higher Education Executive Advisory Committee; members;
6 executive committee; meetings; functions

7 A.(1) There is hereby established within the Department of Education the
8 Louisiana Higher Education Executive Advisory Committee. The committee shall
9 be comprised of the following members:

10 (a) The commissioner of higher education, who shall serve as chairman;

11 (b) The president of the Louisiana Association of Independent Colleges and
12 Universities and each of its member institutions;

13 (c) The chancellor or president of each institution of postsecondary
14 education.

15 (d) The chairman of the Workforce Investment Council.

16 (2) The members of the committee may not be compensated for their
17 services.

18 B. The committee shall establish an executive committee, which shall consist
19 of the commissioner of higher education, the president of the Louisiana Association
20 of Independent Colleges and Universities, and five other members of the committee
21 elected by the committee.

22 C. The committee shall meet at least once annually, at the invitation of and
23 at a location determined by the chairman. Special meetings may be held upon call
24 of the chairman.

25 D. It shall be the function of the committee to consider matters relating to
26 education and to make recommendations to the board as the committee deems
27 necessary.

28 §1899.2. Louisiana classroom teacher and vocational-technical school instructor
29 enrollment program; creation; regulations; limitations

1 A. The Board of Trustees shall develop, in concert with the institutions under
2 its jurisdiction, a program for the enrollment of Louisiana full-time classroom
3 teachers and vocational-technical school instructors in courses of instruction for
4 college credit offered on the main campus of said institutions, on a tuition-free basis,
5 where space is available and where the applicant teacher or instructor meets any
6 prerequisite course requirements and all other requirements of this Section. The
7 program shall be implemented at no additional cost to the state. However, any
8 institution having a teacher or instructor enrolled pursuant to the provisions of this
9 Section may count such enrollment in its computation of student credit hours. All
10 fees required for enrollment, except tuition, shall be paid by the teacher or instructor.
11 For purposes of this Section, "classroom teacher" shall be defined as any full-time
12 classroom teacher employed by a city or parish school board and holding a valid
13 Louisiana teacher's certificate, and any full-time classroom teacher employed by a
14 nonpublic school approved by the State Board of Elementary and Secondary
15 Education.

16 B.(1)(a) The board shall adopt rules and regulations to carry out the purposes
17 of the program and, prior to adoption, shall submit them to the House Committee on
18 Education and the Senate Committee on Education for review and comment.

19 (b) The board shall adopt rules and regulations to implement provisions
20 relative to participation of vocational-technical school instructors and, prior to
21 adoption, shall submit them to the House Committee on Education and the Senate
22 Committee on Education for review and comment.

23 (2) Such rules and regulations shall include but not be limited to the
24 following:

25 (a) A requirement that the appropriate administrator at the institution
26 approve space availability for the program and that such approval shall be granted
27 absent any documented evidence that space is not available.

28 (b) A requirement that space availability shall be determined only after the
29 deadline established by the institution for student schedule changes.

1 (c)(i) A requirement that to be eligible to participate in the program, a
2 teacher or instructor shall not otherwise be eligible to enroll in such course or
3 courses pursuant to the continuing education tuition exemption program established
4 by the State Board of Elementary and Secondary Education.

5 (ii) The State Board of Elementary and Secondary Education shall provide
6 a copy of the guidelines and eligibility requirements for the continuing education
7 tuition exemption program administered by the board to each institution and if any
8 revisions are made to such guidelines and requirements after such time, the board
9 shall provide the revised guidelines and requirements to each institution on a timely
10 basis.

11 (iii) Upon receipt of the guidelines and requirements for the continuing
12 education tuition exemption program as provided in Item (ii) of this Subparagraph,
13 each institution shall be responsible for determining eligibility for enrollment in the
14 program as provided by this Section.

15 (iv) Any teacher who is otherwise eligible for the program as provided by
16 this Section and who is denied enrollment into the continuing education tuition
17 exemption program as provided by the State Board of Elementary and Secondary
18 Education due to insufficient funding for the program for the semester or quarter in
19 which the teacher applies, shall be eligible to participate in the program as provided
20 by this Section.

21 (d) A requirement limiting the course enrollment of a classroom teacher or
22 instructor pursuant to the provisions of this Section to not more than six credit hours
23 for any one semester or its equivalent for attendance at any institution operating on
24 a quarter system. There shall be no limitation on course enrollment during summer
25 sessions.

26 (e) A requirement that participation in the program by a classroom teacher
27 or vocational-technical school instructor during any one school year shall obligate
28 such teacher to practice his profession as a classroom teacher in the elementary or
29 secondary schools of the state and such instructor to practice his profession as an

1 instructor in the state vocational-technical schools for at least the subsequent school
2 year.

3 §1899.3. Louisiana Education Tuition and Savings Plan and Fund

4 A. The Board of Trustees, or its successor, is authorized to formulate,
5 develop, adopt, implement, then manage and otherwise administer the Louisiana
6 Education Tuition and Savings Plan, which shall be comprised of an education
7 savings program based on issuance of interest-bearing education notes. Prior to
8 adoption by the board, the board shall submit the proposed plan in writing to the
9 House and Senate Committees on Education for review and comment.

10 B. The board may adopt appropriate and necessary rules, regulations, and
11 program guidelines to implement an education savings program based on issuance
12 by the state of interest bearing education notes. Such rules, regulations, and program
13 guidelines shall be consistent with the provisions of this Section relating to the
14 education savings plan and shall include but not be limited to the following:

15 (1) The program shall be designed to allow parents and other eligible
16 participants to purchase, at a discounted rate, interest bearing education notes issued
17 by the state in the name of a qualified beneficiary and redeemable for permitted
18 educational expenses incurred by the beneficiary upon acceptance by and
19 matriculation at any public or private institution of higher education in the state.

20 (2) Eligible participants shall include parents, family members, and other
21 persons, within or without the state; however, the qualified beneficiary shall be a
22 Louisiana resident at the time of purchase of the note. The program shall include
23 provisions setting forth the circumstances and terms under which a purchaser of an
24 education note may substitute one qualified person for another as a beneficiary.

25 (3) The education notes shall be marketed in various denominations,
26 including one thousand dollar denominations, shall have from five to twenty-two
27 year maturities, and shall pay accrued interest upon maturity as provided for by the
28 program.

1 (4) Interest earned by the purchaser on an education note shall be exempt
2 from Louisiana income tax.

3 (5) The program shall provide that if a qualified beneficiary is not admitted
4 to a state public or private institution of higher education or chooses to attend an out-
5 of-state higher education institution, the purchaser of the education note may redeem
6 the note, minus administrative fees, with a substantial penalty applied to the return
7 of accrued interest which shall be provided for by the rules.

8 (6) The program shall permit a purchaser of an education note to redeem the
9 note upon the death or permanent and total disability of the qualified beneficiary
10 without penalty. The program also shall provide for other circumstances when the
11 education note is not or cannot be used for permitted purposes.

12 C.(1) There shall be established in the state treasury as a special permanent
13 fund the Louisiana Education Tuition and Savings Fund, hereinafter referred to as
14 the "Tuition and Savings Fund". The fund shall be comprised of separate accounts
15 for the Louisiana Student Tuition Assistance and Revenue Trust Program established
16 in Chapter 22-A of this Title and for the educational savings program authorized by
17 this Section. A "Savings Enhancement Fund" shall be established as a special
18 permanent sub-account within the Louisiana Student Tuition Assistance and
19 Revenue Trust Program Account. As budgeted by the Louisiana Tuition Trust
20 Authority, the legislature shall annually appropriate state general funds to be
21 deposited by the state treasurer in the Savings Enhancement Fund. Monies in the
22 Savings Enhancement Fund shall be used, as appropriated, to make earnings
23 enhancements to the beneficiaries of eligible education savings accounts established
24 under the Louisiana Student Tuition Assistance and Revenue Trust Program by
25 Chapter 22-A of this Title. All revenues and interest earnings generated pursuant to
26 programs of the Louisiana Education Tuition and Savings Plan and the Louisiana
27 Student Tuition Assistance and Revenue Trust Program shall be credited to their
28 respective fund accounts or sub-accounts. The monies in this fund shall be used
29 solely to finance the permitted educational benefits provided by the respective

1 programs. All unexpended and unencumbered monies in fund accounts and their
2 respective sub-accounts at the end of a fiscal year shall remain in such fund accounts
3 or sub-accounts and be available for appropriation in the next fiscal year. The
4 monies in the fund shall be invested by the state treasurer in accordance with state
5 law and as provided for by program rules, regulations, and guidelines, and interest
6 earned on the investment of these monies shall be credited to the respective fund
7 accounts or sub-accounts, following compliance with the requirement of Article VII,
8 Section 9(B) of the constitution relative to the Bond Security and Redemption Fund.
9 However, principal deposited by account owners and interest earned thereon is not
10 public money and therefore is not subject to the requirements of Article VII, Section
11 9(B) of the constitution.

12 (2) The legislature shall make yearly appropriations from the respective
13 account and sub-account, if applicable, to the board for the purposes established in
14 this Section and to the Louisiana Tuition Trust Authority for the purposes established
15 in Chapter 22-A of this Title.

16 §1899.4. State tuition and fee policy; Board of Trustees; study and formulate;
17 legislative approval of authority to increase tuition or fees; implementation;
18 reports

19 A. The Board of Trustees shall study and formulate a state tuition and fee
20 policy which shall be applicable to each public postsecondary education institution
21 and system in the state. The board shall take into consideration the cost of education
22 provided by each type of institution, the proportion of such costs typically paid by
23 students, the economic status of the citizens of the state of Louisiana, the overall
24 rates of increase in public postsecondary education costs and tuition, the existing
25 status of tuition and fees in Louisiana relative to its peer states, and other pertinent
26 factors as may be determined by the board. The tuition and fee policy shall establish
27 a framework for the imposition of student tuition and fees by the respective
28 postsecondary education management boards. The delegation of authority to the
29 postsecondary education management boards to establish tuition and fees in

1 accordance with policies adopted by the board pursuant hereto shall not be construed
2 to authorize the Board of Regents to set a specific tuition or fee.

3 B. Prior to the implementation of the initial increase in fees or tuition
4 pursuant to such policy, the authority for the postsecondary education management
5 boards to increase tuition or fees consistent with the policy shall be approved by the
6 legislature by law by the favorable vote of two-thirds of the elected members of both
7 houses of the legislature. Such approval shall constitute compliance with the
8 requirements of Article VII, Section 2.1 of the Constitution of Louisiana for any
9 subsequent increases pursuant to the policy.

10 C. The Board of Regents and each of the management boards shall report
11 annually to the Joint Legislative Committee on the Budget by not later than February
12 first of each year on the status of the implementation of the state tuition and fee
13 policy.

14 §1899.5. Higher Education Initiatives Fund

15 A. The "Higher Education Initiatives Fund", hereinafter referred to in this
16 Section as the "fund", is hereby created within the state treasury for the purpose of
17 improvement of Louisiana's higher education institutions, including but not limited
18 to improvement of university-based teaching training programs and development of
19 innovative teaching strategies, development of additional distance learning university
20 classrooms, including infrastructure connections and purchase of equipment, and
21 enhancement of library and scientific equipment.

22 B. The sources of monies deposited into the fund shall be legislative
23 appropriation and grants, gifts, and donations received by the state for the purposes
24 of this Section. Monies in the fund shall be subject to appropriation by the
25 legislature and shall be available exclusively for higher education institutions or for
26 the Board of Trustees. The board shall develop regulations and guidelines for the
27 distribution and allocation of monies appropriated to the board which shall be subject
28 to approval by the Joint Legislative Committee on the Budget. All unexpended and
29 unencumbered monies in the fund at the end of the fiscal year shall remain in the

1 fund. Such monies shall be invested by the treasurer in the same manner as the
2 monies in the state general fund, and all interest earned shall be credited to the fund
3 following compliance with the requirements of Article VII, Section 9(B) of the
4 Constitution of Louisiana, relative to the Bond Security and Redemption Fund.

5 §1899.6. Development of state student financial aid plan; master plan

6 The Board of Trustees shall develop and maintain a comprehensive state
7 student financial aid plan that supports the Master Plan for Public Postsecondary
8 Education. In developing the plan, the board shall consider all sources of financial
9 aid available to students attending or seeking to attend postsecondary education
10 institutions in Louisiana and the financial needs of such students. The plan shall
11 contain recommendations regarding student financial aid necessary to implement the
12 policies and achieve the goals and objectives defined in the Master Plan for Public
13 Postsecondary Education. Prior to the implementation of such recommendations,
14 they shall be reviewed and approved by the Senate Committee on Education and the
15 House Committee on Education.

16 §1899.7. Articulation of credits earned in secondary and postsecondary institutions

17 A. The Board of Trustees and the State Board of Elementary and Secondary
18 Education shall collaboratively provide for the adoption and implementation of a
19 comprehensive system of articulation of Carnegie Units earned in a secondary school
20 and college credit hours earned in a postsecondary institution.

21 B. The Board of Trustees shall provide for the adoption and implementation
22 of a comprehensive system of course articulation between all institutions of public
23 higher education for all college credit units earned in such institutions.

24 C.(1) The Board of Trustees and the State Board of Elementary and
25 Secondary Education shall submit a written report to the Senate Committee on
26 Education and the House Committee on Education not later than March fifteenth of
27 each year detailing the progress made in implementing the articulation plan required
28 in Subsection A of this Section.

1 (2) The Board of Trustees shall submit a written report to the Senate
2 Committee on Education and the House Committee on Education not later than
3 March fifteenth of each year detailing the progress made in implementing the
4 articulation plan required in Subsection B of this Section.

5 PART II. POWERS AND DUTIES OF THE BOARD OF TRUSTEES

6 §1899.11. General powers, duties, and functions

7 A. The Board of Trustees shall have authority to exercise power necessary
8 to supervise and manage the day-to-day operations of institutions of postsecondary
9 education under its control, including but not limited to the following:

10 (1) Sue and be sued, including the right to recover all debts owing to the
11 board or any university or college under its management, and to retain legal counsel
12 therefor.

13 (2)(a) In accordance with any other applicable provision of this Paragraph,
14 determine the fees which shall be paid by students.

15 (b)(i) In accordance with Article VII, Section 2.1 of the Constitution of
16 Louisiana, each management board also shall have authority to establish tuition and
17 mandatory attendance fee amounts applicable to nonresident students at an
18 institution under its supervision and management that at least equal the average
19 amount of annual tuition and mandatory attendance fees for the ensuing fiscal year
20 applicable to nonresident students, at institutions in states comprising the Southern
21 Regional Education Board, excluding Louisiana, which are in the same category as
22 established by the Southern Regional Education Board. Such amounts shall be based
23 on the latest available information that is obtainable by the Board of Regents from
24 the regional education board.

25 (ii) In accordance with Article VII, Section 2.1 of the Constitution of
26 Louisiana, the Board of Trustees also shall have authority to make a total increase
27 in the tuition amount applicable to resident students at an institution under its
28 supervision and management such that the tuition amount for an academic year shall

1 not exceed the amount in effect on June 28, 2000, by more than two hundred fifty
2 dollars.

3 (iii)(aa) In accordance with Article VII, Section 2.1 of the Constitution of
4 Louisiana, the Board of Trustees also shall have authority to make a total increase
5 in the tuition amount applicable to resident students at community or technical
6 institutions such that the tuition amount for an academic year, or comparable period
7 of time for Louisiana Technical College, shall not exceed the amount in effect on
8 June 28, 2000, by more than two hundred fifty dollars nor by more than one hundred
9 dollars at Louisiana Technical College.

10 (bb) Notwithstanding the limitation provided in Subitem (aa) of this Item or
11 any authority provided to the board by this Subparagraph and in accordance with
12 Article VII, Section 2.1 of the Constitution of Louisiana, tuition and mandatory
13 attendance fee amounts established by the Board of Trustees and applicable to
14 students enrolled in L. E. Fletcher Technical-Community College and Sowela
15 Technical-Community College may be increased but shall not exceed the median
16 amount of tuition and mandatory attendance fees applicable to students enrolled in
17 other Louisiana public colleges and universities offering academic undergraduate
18 degrees at the associate degree level but not baccalaureate degrees. The Board of
19 Trustees shall report in writing to the House and Senate Committees on Education
20 by not later than sixty days prior to the beginning of each regular legislative session
21 on the purposes for which monies received from the tuition increase authorized by
22 this Subitem have been expended.

23 (iv) No increase in tuition or mandatory attendance fee amounts established
24 pursuant to the provisions of this Subparagraph shall affect tuition for any joint
25 apprenticeship program.

26 (v) Prior to imposing any increase or increases in tuition or mandatory
27 attendance fee amounts, or both, established pursuant to the provisions of this
28 Subparagraph, the Board of Trustees shall establish criteria for waivers of such
29 increase or increases in cases of financial hardship. Information about such waivers

1 and the criteria and procedures for obtaining a waiver shall be made available to all
2 prospective students affected by the increase or increases in a timely manner such
3 that the prospective student can be aware of the increase or increases and the
4 availability of waivers thereto prior to the student having to make any final decision
5 concerning attendance at the college or university.

6 (vi) The authority granted each management board by this Subparagraph to
7 establish tuition and mandatory attendance fee amounts shall include the authority
8 to establish proportional amounts applicable to part-time students and to students
9 enrolled for summer terms and for intersession terms.

10 (vii) In accordance with Article VII, Section 2.1 of the Constitution of
11 Louisiana and in addition to any other authority provided by this Subparagraph, the
12 Board of Trustees may establish tuition and mandatory attendance fee amounts
13 applicable to resident students at an institution under its supervision and management
14 and, effective January 1, 2002, may adjust such tuition and mandatory fee amounts
15 not to exceed a rate of increase of three percent annually, subject to the approval of
16 the Joint Legislative Committee on the Budget. The authority granted by the
17 provisions of this Item shall terminate July 1, 2005.

18 (c) The Board of Trustees is authorized to establish the tuition amounts and
19 other fees and charges applicable to students enrolled in the Doctor of Pharmacy
20 Program at the University of Louisiana at Monroe to be consistent with tuition
21 amounts and other fees charged to students in Doctor of Pharmacy Programs in states
22 comprising the Southern Regional Education Board.

23 (d)(i) In accordance with Article VII, Section 2.1 of the Constitution of
24 Louisiana, the Board of Trustees may provide for the assessment of an operational
25 fee at each institution under its management and supervision in an amount not to
26 exceed four percent of the total mandatory tuition and fee amount in effect for each
27 institution on August 15, 2004.

1 (ii) The authority by this Subparagraph to impose an operational fee shall
2 include the authority to establish proportional amounts applicable to part-time
3 students and to students enrolled for summer and intersession terms.

4 (iii) The fee shall not be a cost that is payable by the state on behalf of any
5 student who is a recipient of an award under the Taylor Opportunity Program for
6 Students.

7 (iv) The fee shall be in addition to any other tuition or attendance fees and
8 charges established by the board, and the fee shall be paid by all students. However,
9 the boards shall establish criteria for waiving the fee in cases of financial hardship
10 as determined by each board. Information relative to such waivers and the criteria
11 and procedures for obtaining a waiver shall be made available to all prospective
12 students in a timely manner such that each student is informed of the availability of
13 a waiver prior to the student making a final decision concerning attendance at any
14 institution under the management and supervision of the board.

15 (v) At any postsecondary institution, any excess of revenue resulting from
16 the imposition of an operational fee as authorized in this Subparagraph over
17 mandated costs applicable to the institution in any fiscal year shall be used by the
18 institution solely for the enhancement of any instructional programs and may not be
19 used to pay the salary of any university or university system administrator as is
20 provided for the use of the academic excellence fee.

21 (e)(i) In accordance with Article VII, Section 2.1(A) of the Constitution of
22 Louisiana and in addition to any other authority provided by this Paragraph, the
23 Board of Trustees may establish tuition and mandatory attendance fee amounts
24 applicable to resident students at an institution under its supervision and management
25 and, effective July 1, 2008, may adjust such tuition and mandatory fee amounts at
26 a rate not to exceed three percent annually if the tuition and mandatory fee amount
27 in effect for the institution is ten percent or less below the average or median tuition
28 and mandatory fee amount of the institution's peers, at a rate not to exceed four
29 percent annually if the tuition and mandatory fee amount in effect for the institution

1 is more than ten percent but less than twenty percent below the average or median
2 tuition and mandatory fee amount of the institution's peers, or at a rate not to exceed
3 five percent annually if the tuition and mandatory fee amount in effect for the
4 institution is twenty percent or more below the average or median tuition and
5 mandatory fee amount of the institution's peers. The Board of Trustees shall
6 establish guidelines on the use of data available from the Southern Regional
7 Education Board and other national sources in determining appropriate institution
8 peers and peer average or median tuition and mandatory fee rates. The authority to
9 increase tuition and mandatory fee amounts granted by the provisions of this
10 Subparagraph shall be applicable for the 2008-2009, 2009-2010, 2010-2011, and
11 2011-2012 academic years only and shall terminate June 30, 2012. Beginning with
12 the 2009-2010 academic year, the authority to increase tuition and mandatory fee
13 amounts granted by the provisions of this Subparagraph shall be subject to the
14 approval of the Joint Legislative Committee on the Budget.

15 (ii) The authority granted to the board by this Subparagraph to establish
16 tuition and mandatory fee amounts shall include the authority to establish
17 proportional amounts applicable to part-time students and to students enrolled for
18 summer and intersession terms.

19 (iii) Prior to imposing any increase or increases in tuition or mandatory
20 attendance fee amounts, or both, established pursuant to the provisions of this
21 Subparagraph, each management board shall establish criteria for waivers of such
22 increase or increases in cases of financial hardship. Information about such waivers
23 and the criteria and procedures for obtaining a waiver shall be made available to all
24 prospective students affected by the increase or increases in a timely manner such
25 that the prospective student can be aware of the increase or increases and the
26 availability of waivers prior to the student making any final decision concerning
27 attendance at the college or university.

28 (3) Purchase land and purchase or construct buildings necessary for the use
29 of each institution in accordance with applicable laws.

1 (4) Lease land or other property belonging to it or to any college or
2 university within its system, in accordance with law.

3 (5) Sell, transfer or exchange land or other property not needed for university
4 purposes, in accordance with law.

5 (6) Award certificates, confer degrees and issue diplomas certifying the
6 same.

7 (7) Enter into contracts and agreements with other public agencies with
8 respect to cooperative enterprises and undertakings relating to or associated with
9 college or university purposes and programs, in accordance with applicable laws.

10 (8) Perform such other functions as are necessary or incidental to the
11 supervision and management of the university system it supervises and manages.

12 B. In addition to the powers and duties vested by Subsection A of this
13 Section and any other applicable laws, the Board of Trustees, as soon as practicable,
14 shall adopt policies and rules authorizing state colleges and universities to develop
15 and conduct courses of study and curricula for inmates and personnel at state
16 correctional institutions, pursuant to authorization by the Department of Public
17 Safety and Corrections. The courses of study to be offered shall be developed by the
18 college or university and approved by the governing board.

19 C.(1) In addition to any other powers and duties authorized by this Section,
20 the board shall adopt 1990, a policy requiring each institution under its supervision
21 and management to report, on at least a monthly basis, the numbers and types of
22 reported criminal offenses occurring on property owned or under the control of the
23 institution. Such report shall be a public record. The form and content of such
24 reports shall be prescribed by the management board but shall be such as to be
25 acceptable for the purposes of compiling uniform crime reports. The report provided
26 for by this Subsection shall be limited to those offenses included in Part I of the most
27 recently published edition of the Uniform Crime Reports for the United States as
28 printed by the Federal Bureau of Investigation and the United States Department of
29 Justice.

1 (2) The policy also shall require each institution to publish in its catalog
2 basic information about security procedures and practices maintained by the
3 institution. Such information, to the extent not otherwise exempt by law from
4 disclosure, shall include but need not be limited to the following:

5 (a) The enforcement authority and training requirements for campus police
6 and other security personnel.

7 (b) The number of security personnel employed by type, including full-time,
8 part-time, and supplemental personnel.

9 (c) Basic procedures for responding to emergencies or criminal actions and
10 special services for the reporting of emergencies and criminal actions, such as the
11 provision of an emergency telephone number for student and employee use.

12 (d) The administrative office responsible for security and campus police
13 services.

14 (3) The policy also shall require each institution to develop and adopt written
15 security rules, regulations, and procedures. Such rules, regulations, and procedures
16 shall include but need not be limited to the following information:

17 (a) Procedures for responding to emergencies or criminal actions.

18 (b) Procedures for securing campus buildings and residence halls.

19 (c) Procedures for investigating violations of criminal statutes and university
20 regulations.

21 (d) Procedures related to campus police and other security personnel activity
22 within student housing.

23 (e) Rules and regulations governing the possession and use of firearms by
24 campus police and other security personnel.

25 (f) Rules and regulations governing the possession and use of firearms on
26 campus by employees, students, and visitors.

27 (g) Security considerations used in the construction, maintenance,
28 groundskeeping, and lighting of campus buildings and grounds.

29 (h) Methods used to inform the campus community about security matters.

1 D. In addition to any other powers and duties authorized by this Section, the
2 board shall adopt a policy requiring each institution under the board's supervision
3 and management to include as a part of any material made available by the
4 institution to students and prospective students about any course offering at the
5 institution a list of other Louisiana public colleges and universities that will
6 recognize a student's successful completion of such course both for academic credit
7 in general and for credit toward meeting degree program requirements at the other
8 institutions.

9 §1899.12. Authority of institutions

10 A. Subject to an initial analysis after the creation of the Board of Trustees
11 of capacity by the Board of Trustees, the board may grant to each institution the
12 authority to exercise power necessary to carry out the following. It is the intent of
13 the legislature that the board delegate as many of these powers as practical:

14 (1) Actively seek and accept donations, bequests, or other forms of financial
15 assistance for educational purposes from any public or private person or agency and
16 to comply with rules and regulations governing grants from the federal government
17 or any other person or agency which are not in contravention of the constitution and
18 laws.

19 (2) Receive and expend or allocate for expenditure all monies appropriated
20 or otherwise made available for its purposes according to the master plan for higher
21 education.

22 (3) Borrow money and issue notes, bonds or certificates of indebtedness for
23 the same and pledge fees, rents and revenues to guarantee payment thereof, in
24 accordance with law and with approval of the Board of Trustees and the State Bond
25 Commission.

26 (4) Purchase equipment, properly maintain and make improvements to
27 facilities necessary for the use of the university system, in accordance with
28 applicable laws.

1 (5) Employ or approve the employment, fix or approve the salaries, and fix
2 or approve the duties and functions of personnel for the institution below the level
3 of Dean or equivalent administrator in accordance with the provisions of this
4 Chapter. Notwithstanding any law to the contrary, any increase in salary for an
5 administrator of any public college or university or of any postsecondary education
6 management board shall comply with the administrative salary policy guidelines
7 adopted by the Board of Trustees. Employment, salaries, duties, and functions at the
8 level of Dean or above shall be subject to Board of Trustees approval.

9 (6) Review and approve curricula, programs of study, departments of
10 instruction, divisions, or similar subdivisions established by the faculties of the
11 university system and forward such curricula, programs of study, departments of
12 instruction, divisions, or similar subdivisions to the Board of Trustees for final
13 approval.

14 (7) Adopt, amend or repeal rules and regulations necessary or proper for its
15 business and government.

16 (8) Adopt, amend or repeal rules and regulations for the government and
17 discipline of students.

18 (9) Affiliate with any institution giving any special course of instruction,
19 upon such terms as the institution deems expedient, and with approval of Board of
20 Trustees which terms may include the retention by such institution of the control of
21 property, faculty and staff.

22 (10) Adopt academic calendars, which shall, among other things, make
23 provision for an appropriate and reasonable number of days during which academic
24 teaching personnel may, with necessary approval of appropriate university officials,
25 be permitted to be absent from their duty posts; the time herein provided for shall be
26 in lieu of annual leave granted unclassified state employees by R.S. 42:421.
27 Provided, however, when an academic teaching employee covered by this Act
28 retires, or whenever any such employee dies before retirement and while holding
29 membership in any retirement system to which the state contributes in whole or in

1 part, leaving a surviving spouse or dependent or both, who are entitled to benefits
2 from the retirement system, the unused days shall be added to the employee's
3 membership service in the same manner and to the same extent as if the employee
4 had continued in state service until the time such number of unused days have
5 elapsed, dating from the date of the employee's death.

6 B. In addition to the powers and duties vested by Subsection A of this
7 Section and any other applicable laws, each institution, as soon as practicable, shall
8 adopt:

9 (1) Bylaws setting forth the respective rights, duties and responsibilities of
10 the board, the various administrative officers, and the faculty. These bylaws shall
11 be specific in fixing responsibility and in describing lines of authority, without being
12 so detailed as to encumber the machinery of government with undue formality.
13 These bylaws may provide appropriate rules under which they may be amended from
14 time to time.

15 (2) Rules and regulations which may provide for:

16 (a) A method of obtaining expression of faculty opinion when appointments
17 are to be made to the offices of president, or head of a college or university, chief
18 academic officer of a college or university, deans, directors, and heads or chairmen
19 of departments. These appointments shall be made in accordance with Paragraph
20 (A)(5) of this Section.

21 (b)(i) The establishment, award, and continuance of fellowships,
22 scholarships, and all other forms of student aid. Such rules shall be so designed as
23 to promote high standards of achievement and scholarship in the respective
24 recipients and to insure the award and continuance of fellowships and scholarships
25 solely upon the basis of merit, and other forms of student aid strictly upon the basis
26 of necessity and merit.

27 (ii) Such rules and regulations may include the establishment, award, and
28 continuance of tuition waivers to any student for purposes of gender equity who
29 participates in an intercollegiate athletic program and who is pursuing an

1 undergraduate degree provided that the student meets the academic standards and
2 complies with the rules and regulations of the college or university such student is
3 attending relative to requirements for attendance as a full-time student. The tuition
4 waivers may be offered at any campus under the jurisdiction of each management
5 board; however, no management board shall issue more than an aggregate of fifty
6 tuition waivers per campus during an academic year and not more than fifty percent
7 of such tuition waivers shall be issued to out-of-state residents.

8 (c) The administration of the various student loan funds and the granting and
9 repayment of such loans. Each institution shall withhold any academic and financial
10 aid transcripts of students in default on the repayment of an obligation to the
11 Louisiana Student Financial Assistance Commission or its successor, until such time
12 as release is authorized by the commission or its successor. Such release shall be
13 dependent upon acceptable repayment arrangements being made by the defaulted
14 student borrower. The rules and regulations adopted by each institution to
15 implement the provisions of this Subparagraph relative to the withholding of
16 academic and financial aid transcripts shall include a due process procedure
17 permitting a student, if the student desires, to appear before the board prior to any
18 action withholding such student's transcript.

19 (d) It shall be the further duty of the institution to employ the proceeds of all
20 donations, grants, subscriptions and bequests to a university, or to any school,
21 college or division, or in trust therefor, so as to effectuate the purposes and accord
22 with the terms and conditions of such donations, grants, subscriptions and bequests.

23 Section 2. R.S. 36:651(D) is hereby amended and reenacted to read as follows:

24 §651. Transfer of boards, commissions, departments, and agencies to Department
25 of Education; boards, commissions, and agencies within Department of
26 Education

27 * * *

28 D. The following agencies, as defined by R.S. 36:3, are transferred to and
29 hereafter shall be within the Department of Education as provided in R.S. 36:801.1:

1 (B) For purposes of this Section, the Louisiana Postsecondary Education Board of
2 Trustees shall be the "successor board" of the Board of Supervisors of Louisiana State
3 University and Agricultural and Mechanical College, the Board of Supervisors of Southern
4 University and Agricultural and Mechanical College, the Board of Supervisors for the
5 University of Louisiana System, and the Board of Supervisors of Community and Technical
6 Colleges which are referred to in this Section as the "former boards" or individually as the
7 "former board". The Louisiana Postsecondary Education Board of Trustees also shall be the
8 "successor board" of the Board of Regents for all institutions, schools, programs, and other
9 entities placed under the jurisdiction of the Louisiana Postsecondary Education Board of
10 Trustees by this Act. The Board of Regents shall be the "former board" for the respective
11 successor board for institutions, schools, programs, and other entities placed under the
12 jurisdiction of the respective former board.

13 (C) On January 1, 2013, and thereafter, all unfinished business, references in laws
14 and documents, employees, property, obligations, and books and records of each former
15 board shall be transferred as provided in this Section. Upon the abolition of each former
16 board, any pending or unfinished business of the former board shall be taken over and be
17 completed by the respective successor board with the same power and authorization as that
18 of the former board and the respective successor board shall be the successor in every way
19 to the former board for the purpose of completing such business. Any reference in laws and
20 documents to the former board shall be deemed to apply to the respective successor board.
21 Any legal proceeding to which the former board is a party and which is filed, initiated, or
22 pending before any court on the effective date of this Section, and all documents involved
23 in or affected by said legal proceeding, shall retain their effectiveness and shall be continued
24 in the name of the respective successor board. All further legal proceedings and documents
25 in the continuation, disposition, and enforcement of such legal proceeding shall be in the
26 name of the respective successor board, and the successor board shall be substituted for the
27 former board without necessity for amendment of any document. This Act shall not be
28 construed so as to impair the contractual or other obligations of the former boards or of the
29 state of Louisiana. All obligations of each former board shall be the obligations of the

1 respective successor board. The respective successor board shall be the successor in every
2 way to the former board, including all of its obligations and debts. All funds heretofore
3 dedicated by or under authority of the constitution and laws of this state or any of its
4 subdivisions to the payment of any bonds issued for construction or improvements for any
5 facility under the control of a former board shall continue to be collected and dedicated to
6 the payment of those bonds, unless and until other provision is made for the payment of such
7 bonds. In like manner, all other dedications and allocations of revenues and sources of
8 revenues heretofore made shall continue in the same manner, to the same extent, and for the
9 same purposes as were provided prior to the enactment of this Act, unless and until other
10 provision is made therefor. This Act shall not be construed or applied in any way which will
11 prevent full compliance by the state, or any department, office, or agency thereof, with the
12 requirements of any Act of the Congress of the United States or any regulation made
13 thereunder by which federal aid or other federal assistance has been or hereafter is made
14 available. All books, papers, records, money, actions, and other property of every kind,
15 movable and immovable, real and personal, heretofore possessed, controlled, or used by each
16 former board are hereby transferred to the respective successor board. All employees
17 heretofore engaged in the performance of duties of each former board, insofar as practicable
18 and necessary are hereby transferred to the respective successor board and shall continue to
19 perform the duties heretofore performed, subject to applicable state civil service laws, rules,
20 and regulations and other applicable laws. Subject to such laws, positions in the unclassified
21 service shall remain in the unclassified service.

22 Section 5. Effective January 1, 2013, the Louisiana State Law Institute shall change
23 references to the Board of Regents, the Board of Supervisors of Louisiana State University
24 and Agricultural and Mechanical College, the Board of Supervisors of Southern University
25 and Agricultural and Mechanical College, the Board of Supervisors of Community and
26 Technical Colleges, and the Board of Supervisors for the University of Louisiana System in
27 the Louisiana Revised Statutes of 1950 (as amended) and in other laws of the state to the
28 Louisiana Postsecondary Education Board of Trustees.

1 Section 6. This Act shall take effect and become operative if and when the proposed
2 amendment of Articles IV, VII, VIII, and XIV of the Constitution of Louisiana contained
3 in the Act which originated as House Bill No. 391 of this 2011 Regular Session of the
4 Legislature is adopted at a statewide election to be held in 2011, and becomes effective.

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)]

Carmody

HB No. 588

Proposed law abolishes the Board of Regents, the LSU Bd. of Supervisors, the Southern University Bd. of Supervisors, the UL System Bd. of Supervisors, and the LCTCS Bd. of Supervisors, and creates the Louisiana Postsecondary Education Board of Trustees as the sole governing board for postsecondary education. Provides for the powers, duties, and functions of the board.

Effective if and when the proposed amendment of Articles IV, VII, VIII, and XIV, of the Constitution of Louisiana contained in the Act which originated as SB 140 or HB 391 of the 2011 RS is adopted at the statewide election to be held on October 22, 2010, and becomes effective.

(Amends R.S. 36:651(D); adds R.S. 17:1891 through 1899.12)