

Regular Session, 2011

SENATE BILL NO. 251

BY SENATOR APPEL

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

POSTSECONDARY ED. Creates the La. Postsecondary Education Board of Trustees as the sole governing board for postsecondary education and provides relative to the powers, duties, and functions of the board.

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

CHAPTER 5-C THE LOUISIANA POSTSECONDARY EDUCATION

BOARD OF TRUSTEES

PART I. ORGANIZATION, POWERS, RESPONSIBILITIES**§1891. Board of Trustees; creation; membership; terms of office; vacancies; responsibilities**

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

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

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

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

E. The board shall be the representative of public higher education and be responsible for providing advice and recommendations concerning higher education to the governor and the legislature.

§1891.1. Student membership on the board

A. There shall be one student member of the Board of Regents. The student member shall be elected to the board by and from the membership of a council composed of the student body presidents-elect of the colleges and universities under the jurisdiction of the board. The board shall establish procedures for the election of the student member by the newly elected council

1 of student body presidents to assure representation from each management
2 system under the board's jurisdiction within a reasonable number of years to
3 be established by the board. The newly elected council of student body
4 presidents shall meet upon the call of the incumbent student member. Such
5 meeting shall occur after the spring election of all student body presidents of the
6 member colleges and universities and before May thirty-first of each year.

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

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

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

16 **§1892. Domicile; organization and meetings of board; rules**

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

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

22 C. Eight members of the board shall constitute a quorum for the
23 transaction of business and all official action of the board shall require the
24 favorable vote of a majority of the members of the board.

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

29 (2) All rules adopted by the board, exclusive of those regulating only the

1 internal management of the board's affairs, and those adopted in exercising and
2 fulfilling its duties and functions as specifically enumerated in Article VIII,
3 Section 5(D) of the Louisiana Constitution, shall be adopted in accordance with
4 the Administrative Procedure Act.

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

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

17 F. The first meeting of the board shall be held in Baton Rouge on the call
18 of the governor within ten days after the appointment by the governor of initial
19 members of the board.

20 §1892.1. Internet broadcast of board and committee meetings; archives

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

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

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

29 D. The audio and video records created pursuant to this Section shall

1 not be construed in a manner to be the official record, or any part of the official
2 record, of the proceedings of a meeting of the board or any of its committees.

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

9 §1893. Commissioner of higher education; appointment; qualifications;
10 powers, duties and functions; compensation

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

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

18 C. The salary of the commissioner of higher education shall be
19 determined by the board, subject to the approval of the Joint Legislative
20 Committee on the Budget.

21 §1894. System office; functions; powers

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

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

28 B. The commissioner shall be responsible for the day-to-day
29 management of postsecondary institutions.

1 C.(1) The support staff shall be domiciled in the same geographic
2 location as the board. It shall possess certain divisions to manage the institutions
3 under the control of the board.

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

11 §1895. Power to disapprove; approve; or modify; service regions;
12 establishment

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

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

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

28 (2)(a) The board shall evaluate the instructional and physical resources
29 of such existing institutions within each region, including the resources of

1 existing higher education institutions, and shall assure maximum use thereof
2 before recommending the creation of any new postsecondary institution within
3 the region. The board may provide for the use within a region of existing
4 resources from outside the region before recommending the creation of any new
5 postsecondary institution within the region.

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

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

14 **§1896. Power with respect to new institutions**

15 The board shall have the power to study the need for and feasibility of
16 and to create any new institution of post-secondary education, including
17 branches of institutions and conversion of institutions that grant primarily
18 associate degrees to institutions offering longer courses of study.

19 **§1897. Power to formulate master plan; mission establishment**

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

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

1 diversity, access, and excellence.

2 (2) The board shall make such recommendations for legislative or
3 gubernatorial action necessary to support the development of each system and
4 institution as provided in its mission statement. Annually, the board shall
5 report to the legislature and the governor on the status of higher education
6 relative to the mission statements, including in such report all revisions since the
7 last report and any recommendations for legislative or gubernatorial action.

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

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

14 (b) Its public service contribution.

15 (c) Its academic and research goals, particularly describing programs
16 being emphasized.

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

19 §1898. Power to recommend budget

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

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

27 (2)(a) The board shall submit to the governor and to the legislature the
28 priorities for capital construction and improvements for all institutions of
29 higher learning in the state. At the same time as it submits such priorities, the

1 board shall submit its recommendations for the budget for capital construction
2 and improvements to the governor and the legislature.

3 (b) The legislature shall consider the recommendations of the board
4 regarding the budget for capital construction and improvements. The
5 recommendations of the board shall be considered prior to adoption of the
6 capital construction budget by the legislature for projects from the priority list
7 submitted by the board.

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

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

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

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

5 E. The board shall formulate and adopt a formula for distribution of
6 funds appropriated by the legislature for deferred maintenance. This formula
7 shall be effective for all institutions of postsecondary education and shall give
8 priority to those institutions with preventive maintenance programs.

9 F. Any formula formulated and adopted by the board for funding
10 institutions of postsecondary education in the ensuing year as provided in this
11 Section shall be annually reported to the Senate Committee on Education, the
12 Senate Committee on Finance, the House Committee on Education, and the
13 House Committee on Appropriations, not later than March fifteenth of each
14 year.

15 §1899. Power to provide for articulation

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

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

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

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

1 **B.(1) The board and the State Board of Elementary and Secondary**
2 **Education, in cooperation with local school boards, shall implement articulation**
3 **agreements that provide opportunities for secondary school students to take**
4 **vocational-technical courses and community college courses provided by**
5 **institutions managed by the Board of Supervisors for Community and**
6 **Technical Colleges. Such opportunities shall be provided either on-site at the**
7 **secondary or the postsecondary institution or at another location in a manner**
8 **that takes into account cost-effectiveness for the institutions providing the**
9 **instruction and accessibility for students.**

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

15 **§1899.1. Louisiana Higher Education Executive Advisory Committee;**
16 **members; executive committee; meetings; functions**

17 **A.(1) There is hereby established within the Department of Education**
18 **the Louisiana Higher Education Executive Advisory Committee. The**
19 **committee shall be comprised of the following members:**

20 **(a) The commissioner of higher education, who shall serve as chairman.**

21 **(b) The president of the Louisiana Association of Independent Colleges**
22 **and Universities and each of its member institutions.**

23 **(c) The chancellor or president of each institution of public**
24 **postsecondary institution.**

25 **(d) The chairman of the Workforce Investment Council.**

26 **(2) The members of the committee may not be compensated for their**
27 **services.**

28 **B. The committee shall establish an executive committee, which shall**
29 **consist of the commissioner of higher education, the president of the Louisiana**

1 Association of Independent Colleges and Universities, and other members
2 selected by the chairman of the committee.

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

6 D. It shall be the function of the committee to consider matters relating
7 to education and to make recommendations to the board as the committee
8 deems necessary.

9 §1899.2. Louisiana classroom teacher and vocational-technical school
10 instructor enrollment program; creation; regulations; limitations

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

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

1 **and comment.**

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

6 **(2) Such rules and regulations shall include but not be limited to the**
7 **following:**

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

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

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

17 **(ii) The State Board of Elementary and Secondary Education shall**
18 **provide a copy of the guidelines and eligibility requirements for the continuing**
19 **education tuition exemption program administered by the board to each**
20 **institution and if any revisions are made to such guidelines and requirements**
21 **after such time, the board shall provide the revised guidelines and requirements**
22 **to each institution on a timely basis.**

23 **(iii) Upon receipt of the guidelines and requirements for the continuing**
24 **education tuition exemption program as provided in Item (ii) of this**
25 **Subparagraph, each institution shall be responsible for determining eligibility**
26 **for enrollment in the program as provided by this Section.**

27 **(iv) Any teacher who is otherwise eligible for the program as provided**
28 **by this Section and who is denied enrollment into the continuing education**
29 **tuition exemption program as provided by the State Board of Elementary and**

Secondary Education due to insufficient funding for the program for the semester or quarter in which the teacher applies, shall be eligible to participate in the program as provided by this Section.

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

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

§1899.3. Louisiana Education Tuition and Savings Plan and Fund

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

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

(1) The program shall be designed to allow parents and other eligible

1 participants to purchase, at a discounted rate, interest bearing education notes
2 issued by the state in the name of a qualified beneficiary and redeemable for
3 permitted educational expenses incurred by the beneficiary upon acceptance by
4 and matriculation at any public or private institution of higher education in the
5 state.

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

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

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

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

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

29 C.(1) There shall be established in the state treasury as a special

1 permanent fund the Louisiana Education Tuition and Savings Fund, hereinafter
2 referred to as the "Tuition and Savings Fund". The fund shall be comprised of
3 separate accounts for the Louisiana Student Tuition Assistance and Revenue
4 Trust Program established in Chapter 22-A of this Title and for the educational
5 savings program authorized by this Section. A "Savings Enhancement Fund"
6 shall be established as a special permanent sub-account within the Louisiana
7 Student Tuition Assistance and Revenue Trust Program Account. As budgeted
8 by the Louisiana Tuition Trust Authority, the legislature shall annually
9 appropriate state general funds to be deposited by the state treasurer in the
10 Savings Enhancement Fund. Monies in the Savings Enhancement Fund shall
11 be used, as appropriated, to make earnings enhancements to the beneficiaries
12 of eligible education savings accounts established under the Louisiana Student
13 Tuition Assistance and Revenue Trust Program by Chapter 22-A of this Title.
14 All revenues and interest earnings generated pursuant to programs of the
15 Louisiana Education Tuition and Savings Plan and the Louisiana Student
16 Tuition Assistance and Revenue Trust Program shall be credited to their
17 respective fund accounts or sub-accounts. The monies in this fund shall be used
18 solely to finance the permitted educational benefits provided by the respective
19 programs. All unexpended and unencumbered monies in fund accounts and
20 their respective sub-accounts at the end of a fiscal year shall remain in such
21 fund accounts or sub-accounts and be available for appropriation in the next
22 fiscal year. The monies in the fund shall be invested by the state treasurer in
23 accordance with state law and as provided for by program rules, regulations,
24 and guidelines, and interest earned on the investment of these monies shall be
25 credited to the respective fund accounts or sub-accounts, following compliance
26 with the requirement of Article VII, Section 9(B) of the constitution relative to
27 the Bond Security and Redemption Fund. However, principal deposited by
28 account owners and interest earned thereon is not public money and therefore
29 is not subject to the requirements of Article VII, Section 9(B) of the constitution.

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

5 §1899.4. State tuition and fee policy; Board of Trustees; study and formulate;
6 legislative approval of authority to increase tuition or fees;
7 implementation; reports

8 A. The Board of Trustees shall study and formulate a state tuition and
9 fee policy which shall be applicable to each public postsecondary education
10 institution and system in the state. The board shall take into consideration the
11 cost of education provided by each type of institution, the proportion of such
12 costs typically paid by students, the economic status of the citizens of the state
13 of Louisiana, the overall rates of increase in public postsecondary education
14 costs and tuition, the existing status of tuition and fees in Louisiana relative to
15 its peer states, and other pertinent factors as may be determined by the board.
16 The tuition and fee policy shall establish a framework for the imposition of
17 student tuition and fees by the respective postsecondary education management
18 boards. The delegation of authority to the postsecondary education
19 management boards to establish tuition and fees in accordance with policies
20 adopted by the board pursuant hereto shall not be construed to authorize the
21 Board of Regents to set a specific tuition or fee.

22 B. Prior to the implementation of the initial increase in fees or tuition
23 pursuant to such policy, the authority for the postsecondary education
24 management boards to increase tuition or fees consistent with the policy shall
25 be approved by the legislature by law by the favorable vote of two-thirds of the
26 elected members of both houses of the legislature. Such approval shall
27 constitute compliance with the requirements of Article VII, Section 2.1 of the
28 Constitution of Louisiana for any subsequent increases pursuant to the policy.

29 C. The Board of Regents and each of the management boards shall

1 report annually to the Joint Legislative Committee on the Budget by not later
2 than February first of each year on the status of the implementation of the state
3 tuition and fee policy.

4 **§1899.5. Higher Education Initiatives Fund**

5 A. The "Higher Education Initiatives Fund", hereinafter referred to in
6 this Section as the "fund", is hereby created within the state treasury for the
7 purpose of improvement of Louisiana's higher education institutions, including
8 but not limited to improvement of university-based teaching training programs
9 and development of innovative teaching strategies, development of additional
10 distance learning university classrooms, including infrastructure connections
11 and purchase of equipment, and enhancement of library and scientific
12 equipment.

13 B. The sources of monies deposited into the fund shall be legislative
14 appropriation and grants, gifts, and donations received by the state for the
15 purposes of this Section. Monies in the fund shall be subject to appropriation
16 by the legislature and shall be available exclusively for higher education
17 institutions or for the Board of Trustees. The board shall develop regulations
18 and guidelines for the distribution and allocation of monies appropriated to the
19 board which shall be subject to approval by the Joint Legislative Committee on
20 the Budget. All unexpended and unencumbered monies in the fund at the end
21 of the fiscal year shall remain in the fund. Such monies shall be invested by the
22 treasurer in the same manner as the monies in the state general fund, and all
23 interest earned shall be credited to the fund following compliance with the
24 requirements of Article VII, Section 9(B) of the Constitution of Louisiana,
25 relative to the Bond Security and Redemption Fund.

26 **§1899.6. Development of state student financial aid plan; master plan**

27 The Board of Trustees shall develop and maintain a comprehensive state
28 student financial aid plan that supports the Master Plan for Public
29 Postsecondary Education. In developing the plan, the board shall consider all

sources of financial aid available to students attending or seeking to attend postsecondary education institutions in Louisiana and the financial needs of such students. The plan shall contain recommendations regarding student financial aid necessary to implement the policies and achieve the goals and objectives defined in the Master Plan for Public Postsecondary Education. Prior to the implementation of such recommendations, they shall be reviewed and approved by the Senate Committee on Education and the House Committee on Education.

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

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

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

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

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

PART II. POWERS AND DUTIES OF THE BOARD OF TRUSTEES

1 **§1899.11. General powers, duties, and functions**

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

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

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

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

22 **(ii) In accordance with Article VII, Section 2.1 of the Constitution of**
23 **Louisiana, the Board of Trustees also shall have authority to make a total**
24 **increase in the tuition amount applicable to resident students at an institution**
25 **under its supervision and management such that the tuition amount for an**
26 **academic year shall not exceed the amount in effect on June 28, 2000, by more**
27 **than two hundred fifty dollars.**

28 **(iii)(aa) In accordance with Article VII, Section 2.1 of the Constitution**
29 **of Louisiana, the Board of Trustees also shall have authority to make a total**

1 increase in the tuition amount applicable to resident students at community or
2 technical institutions such that the tuition amount for an academic year, or
3 comparable period of time for Louisiana Technical College, shall not exceed the
4 amount in effect on June 28, 2000, by more than two hundred fifty dollars nor
5 by more than one hundred dollars at Louisiana Technical College.

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

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

23 (v) Prior to imposing any increase or increases in tuition or mandatory
24 attendance fee amounts, or both, established pursuant to the provisions of this
25 Subparagraph, the Board of Trustees shall establish criteria for waivers of such
26 increase or increases in cases of financial hardship. Information about such
27 waivers and the criteria and procedures for obtaining a waiver shall be made
28 available to all prospective students affected by the increase or increases in a
29 timely manner such that the prospective student can be aware of the increase

1 or increases and the availability of waivers thereto prior to the student having
2 to make any final decision concerning attendance at the college or university.

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

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

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

17 (ii) The authority granted each management board by this
18 Subparagraph to impose an operational fee shall include the authority to
19 establish proportional amounts applicable to part-time students and to students
20 enrolled for summer and intersession terms.

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

24 (iv) The fee shall be in addition to any other tuition or attendance fees
25 and charges established by the board, and the fee shall be paid by all students.
26 However, the boards shall establish criteria for waiving the fee in cases of
27 financial hardship as determined by each board. Information relative to such
28 waivers and the criteria and procedures for obtaining a waiver shall be made
29 available to all prospective students in a timely manner such that each student

1 is informed of the availability of a waiver prior to the student making a final
2 decision concerning attendance at any institution under the management and
3 supervision of the board.

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

10 (e)(i) In accordance with Article VII, Section 2.1(A) of the Constitution
11 of Louisiana and in addition to any other authority provided by this Paragraph,
12 each management board may establish tuition and mandatory attendance fee
13 amounts applicable to resident students at an institution under its supervision
14 and management and, effective July 1, 2008, may adjust such tuition and
15 mandatory fee amounts at a rate not to exceed three percent annually if the
16 tuition and mandatory fee amount in effect for the institution is ten percent or
17 less below the average or median tuition and mandatory fee amount of the
18 institution's peers, at a rate not to exceed four percent annually if the tuition
19 and mandatory fee amount in effect for the institution is more than ten percent
20 but less than twenty percent below the average or median tuition and
21 mandatory fee amount of the institution's peers, or at a rate not to exceed five
22 percent annually if the tuition and mandatory fee amount in effect for the
23 institution is twenty percent or more below the average or median tuition and
24 mandatory fee amount of the institution's peers. The Board of Regents shall
25 establish guidelines on the use of data available from the Southern Regional
26 Education Board and other national sources in determining appropriate
27 institution peers and peer average or median tuition and mandatory fee rates.
28 The authority to increase tuition and mandatory fee amounts granted by the
29 provisions of this Subparagraph shall be applicable for the 2008-2009, 2009-

1 2010, 2010-2011, and 2011-2012 academic years only and shall terminate June
2 30, 2012. Beginning with the 2009-2010 academic year, the authority to increase
3 tuition and mandatory fee amounts granted by the provisions of this
4 Subparagraph shall be subject to the approval of the Joint Legislative
5 Committee on the Budget.

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

10 (iii) Prior to imposing any increase or increases in tuition or mandatory
11 attendance fee amounts, or both, established pursuant to the provisions of this
12 Subparagraph, each management board shall establish criteria for waivers of
13 such increase or increases in cases of financial hardship. Information about
14 such waivers and the criteria and procedures for obtaining a waiver shall be
15 made available to all prospective students affected by the increase or increases
16 in a timely manner such that the prospective student can be aware of the
17 increase or increases and the availability of waivers prior to the student making
18 any final decision concerning attendance at the college or university.

19 (3) Purchase land and purchase or construct buildings necessary for the
20 use of the university system, subject to the approval of the Board of Regents and
21 in accordance with applicable laws.

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

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

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

28 (7) Enter into contracts and agreements with other public agencies with
29 respect to cooperative enterprises and undertakings relating to or associated

1 with college or university purposes and programs, in accordance with
2 applicable laws.

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

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

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

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

29 (a) The enforcement authority and training requirements for campus

police and other security personnel.

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

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

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

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

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

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

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

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

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

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

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

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

D. In addition to any other powers and duties authorized by this Section, the board shall adopt a policy requiring each institution under the board's supervision and management to include as a part of any material made

1 available by the institution to students and prospective students about any
2 course offering at the institution a list of other Louisiana public colleges and
3 universities that will recognize a student's successful completion of such course
4 both for academic credit in general and for credit toward meeting degree
5 program requirements at the other institutions.

6 **§1899.12. Authority of institutions**

7 **A. Each institution shall have the authority to exercise power necessary**
8 **to carry out the following:**

9 **(1) Actively seek and accept donations, bequests, or other forms of**
10 **financial assistance for educational purposes from any public or private person**
11 **or agency and to comply with rules and regulations governing grants from the**
12 **federal government or any other person or agency which are not in**
13 **contravention of the constitution and laws.**

14 **(2) Receive and expend or allocate for expenditure to the institutions**
15 **under its jurisdiction all monies appropriated or otherwise made available for**
16 **purposes of the board or the institutions under its jurisdiction according to the**
17 **master plan for higher education.**

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

22 **(4) Purchase equipment, properly maintain and make improvements to**
23 **facilities necessary for the use of the university system, in accordance with**
24 **applicable laws.**

25 **(5) Employ or approve the employment, fix or approve the salaries, and**
26 **fix or approve the duties and functions of personnel for the institution below the**
27 **level of Dean in accordance with the provisions of this Chapter.**
28 **Notwithstanding any law to the contrary, any increase in salary for an**
29 **administrator of any public college or university or of any postsecondary**

1 education management board shall comply with the administrative salary policy
2 guidelines adopted by the Board of Regents. Employment, salaries, duties, and
3 functions at the level of dean or above shall be subject to Board of Trustees
4 approval.

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

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

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

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

18 (10) Adopt academic calendars, which shall, among other things, make
19 provision for an appropriate and reasonable number of days during which
20 academic teaching personnel may, with necessary approval of appropriate
21 university officials, be permitted to be absent from their duty posts; the time
22 herein provided for shall be in lieu of annual leave granted unclassified state
23 employees by R.S. 42:421. Provided, however, when an academic teaching
24 employee covered by this Act retires, or whenever any such employee dies
25 before retirement and while holding membership in any retirement system to
26 which the state contributes in whole or in part, leaving a surviving spouse or
27 dependent or both, who are entitled to benefits from the retirement system, the
28 unused days shall be added to the employee's membership service in the same
29 manner and to the same extent as if the employee had continued in state service

1 until the time such number of unused days have elapsed, dating from the date
2 of the effective date of the Act.

3 B. In addition to the powers and duties vested by Subsection (A) of this
4 Section and any other applicable laws, each institution, as soon as practicable,
5 shall adopt:

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

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

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

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

24 (ii) Such rules and regulations may include the establishment, award,
25 and continuance of tuition waivers to any student for purposes of gender equity
26 who participates in an intercollegiate athletic program and who is pursuing an
27 undergraduate degree provided that the student meets the academic standards
28 and complies with the rules and regulations of the college or university such
29 student is attending relative to requirements for attendance as a full-time

1 student. The tuition waivers may be offered at any campus under the
2 jurisdiction of each management board; however, no management board shall
3 issue more than an aggregate of fifty tuition waivers per campus during an
4 academic year and not more than fifty percent of such tuition waivers shall be
5 issued to out-of-state residents.

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

18 (d) It shall be the further duty of the institution to employ the proceeds
19 of all donations, grants, subscriptions and bequests to a university, or to any
20 school, college or division, or in trust therefor, so as to effectuate the purposes
21 and accord with the terms and conditions of such donations, grants,
22 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) ~~The Board of Trustees for State Colleges and Universities (Article VIII, Section 6 of the 1974 Louisiana Constitution; R.S. 17:1806; R.S. 17:1831-17:1854; R.S. 17:3201-17:3382.~~

(2) ~~Board of Regents~~ **Louisiana Postsecondary Education Board of Trustees** (Article VIII, Section 5 of the ~~1974~~ Constitution **of Louisiana**; R.S. ~~17:3121-17:3133~~).

(3) ~~Board of Supervisors of Louisiana State University and Agricultural and Mechanical College (Article VIII, Section 7 of the 1974 Constitution; R.S. 17:1453; 17:1455-1456; 17:2181-17:2193; 17:3121-17:3133).~~

(4) ~~Board of Supervisors of Southern University and Agricultural and Mechanical College (Article VIII, Section 7 of the 1974 Constitution; R.S. 17:3121-17:3133).~~

(6) **(2)** Louisiana Systemic Initiatives Program Council (R.S. 17:2757 et seq.).

(8) **(3)** The New Orleans Center for Creative Arts/Riverfront and its board of directors (R.S. 17:1970.21 - 1970.27).

(9) **(4)** Louisiana Geography Education Initiative Program Council (R.S. 17:2901 et seq.).

* * *

Section 3. Subpart C of Part I of Chapter 4 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:1453 through 1456, R.S. 17:1831 through 1834, 1851 through 1854, and 3121 through 3124, 3216, and 3217 are hereby repealed in their entirety.

Section 4.(A) On January 1, 2013, the Board of Supervisors of Community and Technical Colleges, the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University and Agricultural and Mechanical College, the Board of Supervisors for the University of Louisiana System, and the Board of Regents are abolished. On January 1, 2013, the Louisiana Postsecondary Education Board of Trustees is created.

(B) For purposes of this Section, the Louisiana Postsecondary Education Board of

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

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

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

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

28 Section 6. This Act shall take effect and become operative if and when the proposed
29 amendment of Articles IV, VII, VIII, and XIV of the Constitution of Louisiana contained

- 1 in the Act which originated as House Bill No.391 of this 2011 Regular Session of the
2 Legislature is adopted at a statewide election to be held in 2011, and becomes effective.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jeanne C. Johnston.

DIGEST

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)