

Regular Session, 2010

SENATE BILL NO. 488

BY SENATOR NEVERS

POSTSECONDARY ED. Provides that certain rules adopted by the Board of Regents are subject to the Administrative Procedure Act. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 17:3123(D) and 3133, relative to the Board of Regents; to
3 provide that certain rules adopted by the board are subject to the Administrative
4 Procedure Act; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 17:3123(D) and 3133 are hereby amended and reenacted to read as
7 follows:

8 §3123. Domicile; organization and meetings of board; **rules**

9 * * *

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

14 **(2) All rules adopted by the board, exclusive of those regulating only the**
15 **internal management of the board's affairs, and those adopted in exercising and**
16 **fulfilling its duties and functions as specifically enumerated in Article VIII,**
17 **Section 5(D) of the Louisiana Constitution, shall be adopted in accordance with**

1 **the Administrative Procedure Act.**

2 **(3) The board shall submit a copy of any order, rule, regulation, plan,**
3 **policy, or recommendation, other than those regulating only the internal**
4 **management of the board's affairs, that is not adopted in accordance with the**
5 **provisions of the Administrative Procedure Act to the Senate Committee on**
6 **Education and the House Committee on Education, along with the written**
7 **reasons and explanations therefor and a summary report of the proceedings of**
8 **any public hearings conducted prior to the adoption of such order, rule,**
9 **regulation, plan, policy, or recommendation.**

10 * * *

11 §3133. Public hearings; due process

12 **A.** In exercising and fulfilling its powers, duties and functions as specifically
13 enumerated in Article VIII, Section 5(D), paragraphs (1); and (4) of the ~~constitution~~
14 **Louisiana Constitution**, the Board of Regents shall before adopting or issuing an
15 order, rule, regulation, plan, policy or recommendation, hold public hearings at
16 which all students, faculty, staff, administrators, management boards and interested
17 citizens may appear and present testimony. The Board of Regents shall accompany
18 each such order, rule, regulation, plan, policy and recommendation with written
19 reasons therefor, explaining in detail the reasons for its actions.

20 **B. The Board of Regents shall submit a copy of any order, rule,**
21 **regulation, plan, policy, or recommendation so adopted to the Senate**
22 **Committee on Education and the House Committee on Education, along with**
23 **the written reasons and explanations therefor and a summary report of the**
24 **proceedings of the public hearings conducted in accordance with the provisions**
25 **of this Section.**

26 * * *

27 Section 2. This Act shall become effective upon signature by the governor or, if not
28 signed by the governor, upon expiration of the time for bills to become law without signature
29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

The original instrument was prepared by Jeanne Johnston. The following digest, which does not constitute a part of the legislative instrument, was prepared by Michelle Broussard-Johnson.

DIGEST

Nevers (SB 488)

Present law requires the Board of Regents to adopt rules for the transaction of its business and to keep an accurate record of all of its proceedings and official actions. Further requires that all papers, documents, and records appertaining to the board be filed at the board's domicile.

Proposed law provides that rules adopted by the board, other than those adopted to regulate the internal management of the board's affairs, must be adopted in accordance with the Administrative Procedure Act. Further requires the board to submit a copy of any order, rule, regulation, plan, policy, or recommendation so adopted to the Senate Committee on Education and the House Committee on Education, along with the written reasons and explanations and a summary report of the proceedings of the public hearings conducted.

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

(Amends R.S. 17:3123(D) and 3133)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Technical amendment to clarify language.
2. Adds the requirement for the board to submit a copy of any order, rule, regulation, plan, policy, or recommendation adopted to the Senate and House Committees on Education, along with written reason of the proceedings of the public hearings.