

## NOTICE OF INTENT

Student Financial Assistance Commission  
Office of Student Financial Assistance

### Tuition Trust Authority Bylaws

The Tuition Trust Authority, the statutory body created by R.S. 17:3093, et seq., in compliance with R.S. 49:950 et seq. of the Administrative Procedure Act, advertises its intention to adopt bylaws to govern the authority, its meetings, officers and executive staff, order of business, committees, communications to the authority, rights, duties and responsibilities of the executive staff, responsibilities of authority members, amendment or repeal of bylaws, rules and regulations.

#### Part I

### BYLAWS OF THE LOUISIANA TUITION TRUST

#### AUTHORITY

#### Article I. Definitions and Authority

A. *The Louisiana Tuition Trust Authority*—as used in these Bylaws, shall refer to the statutory body created by R.S. 17:3093, et seq., and shall be composed of the members who are duly appointed and qualified as provided by law. The authority shall administer the Louisiana Student Tuition Assistance and Revenue Trust Program, commonly referred to as the "START Saving Program," through the Office of Student Financial Assistance.

B. *Chairman of the Authority*—as used in these bylaws, shall refer to the executive secretary to the governor or his/her designee to the Louisiana Student Financial Assistance Commission (LASFAC), who shall also serve as ex officio chairman of the authority.

C. *Office of Student Financial Assistance*—Louisiana Department of Education, or "office", refers to the organization created by R.S. 36:650 to perform the functions of the state relating to the programs of financial assistance and the certain scholarship programs for higher education in accordance with the directives of its governing bodies and applicable law.

D. *Division*—when used in these bylaws, shall refer to a subordinate organizational element of the Office of Student Financial Assistance.

E. *Executive Director*—as used in these bylaws, shall refer to that person duly appointed by the Louisiana Student Financial Assistance Commission pursuant to R.S. 17:3022B to serve in the unclassified service as executive director of the Office of Student Financial Assistance, who shall be its chief executive officer and the appointing authority for all classified employees of the office.

F. *Director*—as used in these bylaws, shall refer to that person appointed in the classified service as the administrative head of a division of the Office of Student Financial Assistance.

G. *Fiscal Officer*—as used in these bylaws, shall refer to that employee of the office assigned responsibility for preparation and monitoring the approved budget of the authority, who may jointly serve as a director.

#### Article II. Meetings

Section 1. Regular Meetings. The authority shall hold at least one but not more than 12 meetings per calendar year. All regular meetings shall be held at meeting places designated by the authority. Proxy voting shall be allowed at all meetings for the chairman of: State Board of Elementary and Secondary Education; Board of Supervisors, Louisiana State University; Board of Supervisors, Southern University; Board of Regents; University of Louisiana System and Louisiana Association of Independent Colleges and Universities, or each of their designees; however, any proxy holder must also be a member of that respective board. The State Superintendent of Education may vote by proxy through a member of his/her executive staff. No other members shall have the right of proxy voting.

Section 2. Special Meetings. Special meetings of the authority may be called by the chairman at any time, or by the secretary upon written request therefor signed by a majority of the members and specifying the purposes of the desired meeting. Written notification shall be sent to each member at least three calendar days before the time of the meeting.

Section 3. Compensation. Members of the authority shall receive per diem compensation for their service at the rate authorized by statute or as authorized by executive order, and shall be reimbursed for their

necessary travel expenses actually incurred in the conduct of the business of the authority.

The authority is limited to 12 meetings per year for which per diem may be drawn by authority members.

Section 4. Quorum. A simple majority of the authority shall constitute a quorum for the transaction of any business, and a simple majority of the quorum present at any meeting voting in favor or against a particular item shall be the act of the authority.

Article III. Officers of the Authority and Executive Staff

Section 1. Chairman and Vice-Chairman. The chairman of the Louisiana Student Financial Assistance Commission shall serve as chairman of the Authority. The authority shall select a vice-chairman annually. The authority may elect such other officers as it deems necessary.

The chairman of the authority shall preside over all meetings of the authority, serve as ex officio member of all committees, name the appointive members of all standing and special committees of the authority, and fill all vacancies in the membership of such committees, in accordance with the provisions of these bylaws.

The vice-chairman of the authority shall perform the duties of the chairman in the absence of the chairman.

In the event both the chairman and the vice-chairman are absent from a meeting of the authority, the authority shall elect a temporary chairman from those present.

Section 2. Secretary. The authority shall select a secretary annually, who may certify the minutes, papers and documents of the authority or of its committees to be true and correct copies.

Section 3. Executive Staff. The executive staff of the authority shall include the incumbent of those positions within the Office of Student Financial Assistance so designated by the executive director and will normally be composed of the executive director, the legal counsel, the fiscal officer and the directors of the designated divisions within the office, and such other personnel as may be required for the efficient performance of the functions of the authority. The executive staff shall be tasked, directed and supervised by the executive director.

Section 4. Authentication. Copies of all minutes, papers and documents of the commission, or its committees, may be certified to be true and correct copies by either the chairman, secretary or executive director.

Article IV. Order of Business

Section 1. Rules of Order. When not in conflict with any of the provisions of this article, *Roberts Rules of Order* (latest revision) shall constitute the rules of parliamentary procedure applicable to all meetings of the authority or its committees.

Section 2. Order of Business. The order of business of regular meetings of the authority shall be as follows:

- a. roll call,
- b. corrections and approval of minutes of preceding regular meetings and of all special meetings held subsequent thereto,
- c. reports and recommendations of standing and special committees,
- d. unfinished business,
- e. informational updates,
- f. new business,
- g. next meeting.

Section 3. Reference to Committees. In cases where feasible and desirable before taking action, the authority should refer any subject or measure to the standing or special committee in whose purview the matter falls. The committee to which the matter is referred should submit to the authority its recommendations in writing, together with any resolutions necessary to facilitate such recommendations.

Section 4. Meetings. Meetings shall be conducted in accordance with state law governing public bodies. It shall be the policy of the authority that all meetings be open to all who wish to attend. In complying with the provisions of the Open Meetings Law, the authority may enter into a closed or executive session by two thirds majority vote of the quorum present. Prior to each regular meeting of the authority, the executive director, with approval of the chairman, shall prepare and forward to each member of the authority a tentative agenda for the meeting at least five working days prior to such regular meeting. Upon request of three members of the authority made prior to the 5 day before the authority's next meeting that a particular item be included, the chairman shall place the subject or subjects upon the agenda. Notwithstanding the foregoing, all matters requiring authority action may be acted on even though not carried on the agenda.

Each proposal and/or resolution shall be reduced to writing and presented to the Authority before it is

acted upon. All official actions of the Authority shall require a simple majority vote of the quorum present at the meeting.

Section 5. Minutes. The minutes of the authority shall record official action taken upon motions or resolutions which are voted upon by the authority and may contain a summary of reports and pertinent discussion. The foregoing provisions relative to contents of the minutes shall, in general, also apply to minutes of committees of the authority. The minutes of meetings of the authority become official only when completed and approved by the Authority.

Section 6. Meeting Attendance. Authority members are required to attend all authority meetings. Failure to attend a minimum of one-fourth of the authority's meetings annually, will result in a notice being sent from the authority to the absent member stating that failure to attend one more meeting will result in a request being made to the appointing authority that the absent member be replaced. The absent member shall be relieved of duties on any committee to which he/she has been appointed to serve. This section is not applicable to meetings that are missed with just cause, as determined by the chairman.

#### Article V. Committees

Section 1. Standing Committees. Unless and until otherwise decided by the vote of a simple majority of the membership of the authority, the standing committees of the authority shall consist of the following:

- a. executive committee;
- b. budget and finance committee.

Section 2. Appointment and Terms. Members of all standing committees, one of whom shall be designated as chairman and one of whom shall be designated as vice-chairman, shall be appointed by the chairman of the authority, ordinarily soon after the chairman assumes office. The term of committee appointments shall be one year.

Vacancies occurring among the appointive members of any committees, however arising, shall be filled by the chairman of the authority for the remainder of the unexpired term.

Section 3. Officers of Standing Committees. The chairman and the vice-chairman of the authority shall be chairman and vice-chairman, respectively, of the executive committee. In the absence of the chairman, the vice-chairman shall preside. In the event both the chairman and vice-chairman are absent from a meeting, the committee shall elect a temporary chairman from those present.

It shall be the duty of the chairman of each committee to call and to preside over, the necessary meetings. The minutes of the meeting of the committee, showing its actions and recommendations, shall be deemed in compliance with the provisions of Article IV, Section 3, hereof, concerning the written recommendations of the committee.

Section 4. Quorum of Committee Meetings. A simple majority of the membership present at a meeting of a committee of the authority shall constitute a quorum for the transaction of business. When a quorum is not present, the chairman of the committee, or vice-chairman in the chairman's absence, may designate a member of the authority to serve as a substitute member of the committee concerned.

Section 5. Authority of Committees. The authority of committees of the authority shall be subject to these bylaws and to the policies and direction of the authority.

Section 6. Executive Committee. The executive committee shall consist of five members. The chairman and Vice-chairman of the authority shall serve in those capacities on the executive committee. The chairman of each of the other standing committees or the chair's designee from his respective committee shall be a member of the executive committee. The remaining members, for a total of five members, shall be appointed by the chairman of the authority from the other members of the authority.

The executive committee shall consider such matters as shall be referred to it by the authority and shall execute such orders and resolutions as shall be assigned to it at any meeting of the authority. However, the authority may not delegate to the executive committee the final determination of the rate of interest to be paid on education savings accounts of record at the close of the calendar year. All official actions of the executive committee shall require a majority vote of the quorum present at the meeting. The executive committee shall also approve all budget adjustments prior to submission to the appropriate authority. In the event that an emergency requiring immediate authority action shall arise between authority meetings, it shall be the duty of the executive committee to meet in emergency session to take such action as may be necessary and appropriate. The executive committee shall report the actions it takes in emergency session to the authority for ratification at the authority's next meeting.

Section 7. Budget and Finance Committee. The budget and finance committee shall consist of not less than six members of the authority. Normally, to this committee shall be referred all matters related to budget and to policies concerning the financial management of the authority and the

office.

Section 8. Special Committees. As the necessity therefor arises, the chairman may, with the concurrence of the authority, create special committees with such functions, powers and authority as may be delegated. The chairman may appoint ad hoc committees for special assignments for limited periods of existence not to exceed the completion of the assigned task.

#### Article VI. Communications to the Authority

Section 1. All communications to the authority, or to any committee thereof, from persons having official relations with the authority shall be filed in writing with the executive director and duly transmitted by him to the authority. The executive director shall have the authority to read and comment upon all communications from employees of the office but shall not delay or withhold such communications, except as hereinafter provided. Such communications shall be filed with the executive director at least five days before the meeting of the authority or committee and with the chairman at least three days before such meeting. Otherwise, the executive director may either submit such communication at that time or withhold such communication until the next meeting. In the event the executive director elects to withhold any such communication until the next meeting, such communication shall be promptly forwarded to the chairman with the notation of the executive director concerning such withholding.

#### Article VII. Rights, Duties and Responsibilities of Executive Staff of the Authority

Section 1. Executive Staff of the Authority. The executive staff of the authority shall include the incumbent of those positions within the Office of Student Financial Assistance so designated by the executive director and will normally be composed of the executive director, the legal counsel, the fiscal officer and the directors of designated divisions within the office, and such other personnel as may be required for the efficient performance of the functions of the authority. The executive staff shall be tasked, directed and supervised by the executive director.

Unless otherwise directed by the executive director, the executive staff shall attend the meetings of the authority and its various committees.

##### Section 2. Executive Director.

a. The executive director shall be the executive head and chief administrative officer of the Office of Student Financial Assistance. The executive director will be responsible to the authority for the conduct of the Office of Student Financial Assistance in all affairs and shall execute and enforce all of the decisions, orders, rules and regulations of the authority with respect to the conduct of the Office of Student Financial Assistance. The executive director's discretionary authority shall be broad enough to enable him/her to meet his/her responsibilities, in the day to day operations of the Office of Student Financial Assistance.

b. The Executive Director shall be the "appointing authority" for the purposes defined by State Civil Service law, rules and regulations and shall exercise the authority granted to an "appointing authority" thereunder.

c. Subject to these bylaws and the regulations and directions of the authority, the executive director shall:

1. Establish administrative policies and procedures for the operation of the Office of Student Financial Assistance, as they may relate to the authority's program.
2. Plan, organize, supervise, direct, administer, and execute the functions and activities of the Office of Student Financial Assistance, as they may relate to the authority's program.
3. Prepare and present a business plan and consolidated budget for the Office of Student Financial Assistance and the authority.
4. Serve as governmental liaison and spokesperson for the authority.
5. Promote the development of the authority's program.

d. The executive director shall task, direct, and supervise the executive staff.

e. The executive director shall be responsible for ensuring compliance with the legislatively enacted budgets as approved by the authority.

Section 3. Delegation of Authority. In the absence of the executive director, the director of the loan division, as delegated by the executive director during his/her absences, will assume the duties of the executive director. In the event both the executive director and the director of the loan division are absent, the executive director will appoint another division director to assume the duties of the executive director.

##### Section 4. Directors of Divisions

a. There shall be a director for each division of the Office of Student Financial Assistance, appointed by the executive director in accordance with State Civil Service laws, rules and regulations.

Under the direction and authority of the executive director, each director shall administer the division for which he/she is appointed.

b. As the administrative head of a division, the director shall be responsible to the executive director for planning, supervising, directing, administering and executing the functions and programs assigned to the division in accordance with all applicable laws, rules, regulations, policies, directives, and budgets.

c. The directors may invite members of his/her administrative staff to aid in his/her presentations to the authority.

Section 5. Agency Fiscal Officer (Manager). The fiscal officer is responsible for assisting in the development of annual operating budgets, based upon the authority's approved business plan. This shall include the functions of review and recommendations concerning the budget of the scholarship, grant, and savings division, the preparation of a consolidated budget, as well as monitoring and reporting the budget as approved by the authority and enacted by the state legislature.

#### Article VIII. Responsibilities of Authority Members

Authority members are charged with the responsibility of ensuring that the functions and duties of the Office of Student Financial Assistance as they relate to the authority's program are performed effectively in fulfilling the purposes of R.S. 17:3091 through 3099.2. Prior to assuming the responsibilities to which appointed and to avoid any potential conflict of interest, an authority member shall, to the best of his or her knowledge, disclose to the State Board of Ethics any pre-existing relationship between the authority and the member, the member's immediate family, or any entity in which the member has a substantial economic interest. This obligation to disclose is a continuing obligation.

#### Article IX. Amendment or Repeal of Bylaws

New bylaws may be adopted, and bylaws may be amended or repealed, at any meeting of the authority, but no such action shall be taken unless notice of such proposed adoption, amendment, or repeal shall have been given at a previous meeting or notice in writing of the proposed change shall have been served upon each member of the authority at least 30 days in advance of the final vote upon such change, provided, however, when deemed necessary, that by a simple majority of the entire membership of the authority, the requirements for such notice may be waived at any time.

#### Article X. Rules and Regulations of Louisiana Tuition Trust Authority

Section 1. Any action by the authority establishing policy or methods of procedure, administrative, business, or otherwise shall be known as "Rules and Regulations of the Louisiana Tuition Trust Authority."

Section 2. "Rules and Regulations of the Louisiana Tuition Trust Authority" may be adopted by the authority, or may be amended or repealed, in whole or in part, at any meeting of the authority by a vote of simple majority.

Section 3. All policies and procedures of the authority falling within the definition of rules and regulations, as herein defined, and in existence upon the date of the adoption of these bylaws, shall be a part of the "Rules and Regulations of the Louisiana Tuition Trust Authority."

#### Article XI. Effective Dates

These bylaws shall be adopted and shall become effective on the date they are published as final rule in the *Louisiana Register*.

#### Article XII. Repealing Clause

All rules, orders, regulations, and resolutions heretofore enacted or adopted by the authority, which are in conflict with these bylaws, are hereby repealed.

#### Article XIII. Conforming Clause

No rule, order, regulation or resolution shall be adopted by the authority which is in conflict or is inconsistent with the law, rules, guidelines, officer selection and employment policies applicable to the Louisiana Student Financial Assistance Commission.

Interested persons may submit written comments on the bylaws until 4:30 p.m., November 20, 1996, to: Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Jack L. Guinn  
Executive

Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Tuition Trust Authority Bylaws**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Implementation costs associated with publishing the bylaws in the *Louisiana Register* are \$320 for publication of the notice and \$320 for publication of the rule, for a total of \$640.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
No impact on revenue collections will result from this action.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
Publication of the Louisiana Tuition Trust Authority Bylaws will provide official notification to all persons or entities of the policies and procedures by which the authority will conduct its business.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
No impact on competition and employment is anticipated to result from this action.

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Legislative Fiscal Office

H. Gordon  
Chief Coordinator