



**Louisiana Association of Independent Colleges and Universities, Inc.**

700 North 10th Street, Suite 210  
Baton Rouge, LA 70802-4507  
Phone (504) 389-9885  
FAX (504) 389-0149

**FACSIMILE MESSAGE SHEET**

DATE:

June 2, 1998

**PLEASE DELIVER THE FOLLOWING PAGES TO:**

Name:

Sheila Favalora

Company:

Tulane - President's office

FAX Number:

504. 865. 5202

FROM:

Mary Ann Coleman

Message: Dr. Kelly - FYI

HCTE filed Monday in House, could  
be scheduled for House Education  
this week or not. Kip Holden's  
area is also involved w/ Environmental  
Law Clinic.

Call if you have questions

5

Pages including cover sheet.

cc: E. Stuman  
J. D'Amore  
D. Grant  
B. Stewart  
M. Sullivan  
S. Corcoran

JUN 02 1998

Centenary College - Shreveport  
Dillard University - New Orleans  
Louisiana College - Pineville  
Loyola University - New Orleans

Our Lady of Holy Cross College - New Orleans  
Our Lady of the Lake College - Baton Rouge  
Tulane University - New Orleans  
Xavier University - New Orleans

HLS 98-567

**ORIGINAL**

Regular Session, 1998

HOUSE CONCURRENT RESOLUTION NO. 90

BY REPRESENTATIVES HOLDEN, COPELIN, AND QUEZAIRE

HIGHER ED/BD REGENTS: Finds that certain actions concerning Tulane Environmental Law Clinic exceeded bd. authority, declares such actions ultra vires, and directs the bd. not to involve itself in certain Tulane matters

## 1 A CONCURRENT RESOLUTION

2 To express the findings of the Legislature of Louisiana that action taken by the  
3 Board of Regents at its April 23, 1998, meeting relative to the Tulane  
4 University Environmental Law Clinic exceeded the powers of the  
5 board, to declare such action by the board to be ultra vires, and to direct  
6 the board to cease and desist from involving itself formally or  
7 informally in the policies and programs of Tulane University or in  
8 matters involving the administration, management, or oversight of the  
9 Tulane University Environmental Law Clinic.

10 WHEREAS, the Constitution of Louisiana places responsibility for  
11 providing for the education of the people of the state with the legislature; and

12 WHEREAS, it is essential to the proper implementation of higher  
13 education policy that the Board of Regents exercise its powers consistent with  
14 the grants of authority given to the board by the Constitution of Louisiana and  
15 other applicable law; and

16 WHEREAS, the Constitution of Louisiana, which creates the Board of  
17 Regents, gives the board certain powers and duties over public higher  
18 education and public institutions of higher education but does not grant the

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1 board any power, duty, function, or responsibility over the policies and  
2 programs of Tulane University or over the administration, management, or  
3 oversight of the Tulane University Environmental Law Clinic; and

4 WHEREAS, statutory provisions also grant the Board of Regents  
5 certain powers and duties over public higher education and public institutions  
6 of higher education and, in specific cases, over private institutions but do not  
7 grant the board any power, duty, function, or responsibility over the policies  
8 and programs of Tulane University or over the administration, management,  
9 or oversight of the Tulane University Environmental Law Clinic; and

10 WHEREAS, it is a constitutional and statutory responsibility of the  
11 Board of Regents to assure that funding provided to any eligible higher  
12 education institution, public or private, from Louisiana Quality Education  
13 Support Fund monies be for higher educational purposes to enhance economic  
14 development; and

15 WHEREAS, since representatives of the board have on many occasions  
16 testified before legislative committees, including recent testimony before the  
17 House Committee on Education, that the processes and standards used by the  
18 board to award Louisiana Quality Education Support Fund monies provide  
19 stringent but fair and impartial methods for considering and evaluating fund  
20 requests from eligible institutions, public and private, on a case-by-case basis  
21 and that all awards to date have complied with constitutional and statutory  
22 requirements, it is reasonable to conclude that Louisiana Quality Education  
23 Support Fund monies that have been awarded for various purposes to Tulane  
24 University met all applicable criteria and requirements; and

25 WHEREAS, based on this testimony, it also is reasonable to conclude  
26 that appropriate standards, procedures, and safeguards exist for considering  
27 any future requests from Tulane University on a case-by-case basis in the same  
28 manner as used for any other eligible public or private institution; and

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1           WHEREAS, subsequent to a reported discussion relative to awards  
2           from the Louisiana Quality Education Support Fund, a motion was adopted  
3           by the Board of Regents at their meeting on April 23, 1998, for the board to  
4           send a letter to the incoming president of Tulane University requesting a  
5           meeting with representative members of the board to discuss issues related to  
6           the Tulane University Environmental Law Clinic; and

7           WHEREAS, it is, therefore, quite clear that neither the Constitution of  
8           Louisiana nor other applicable law grants the Board of Regents any power,  
9           duty, function, or responsibility over the policies and programs of Tulane  
10          University or over the administration, management, or oversight of the Tulane  
11          University Environmental Law Clinic; and

12          WHEREAS, evidence, including Board of Regents testimony, also  
13          makes it clear that adequate standards, procedures, and safeguards currently  
14          exist to assure that any Louisiana Quality Education Support Fund monies  
15          awarded Tulane University are for purposes that meet constitutional and  
16          statutory requirements.

17          THEREFORE, BE IT RESOLVED that the Legislature of Louisiana  
18          finds that the action taken by the Board of Regents at its April 23, 1998,  
19          meeting relative to the Tulane University Environmental Law Clinic exceeded  
20          the power and authority of the board and the legislature hereby declares such  
21          action by the board to be ultra vires.

22          BE IT FURTHER RESOLVED that the board is directed to cease and  
23          desist from involving itself formally or informally in any manner whatever in  
24          the policies and programs of Tulane University or in matters involving the  
25          administration, management, or oversight of the Tulane University  
26          Environmental Law Clinic.

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1           BE IT FURTHER RESOLVED that copies of this Resolution shall be  
2 transmitted to the governor, the chairman of the Board of Regents, and the  
3 commissioner of higher education.

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**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

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Holden, et al.

HCR No. 90

Expresses legislative findings that action taken by the Board of Regents at its April 23, 1998, meeting relative to the Tulane University Environmental Law Clinic exceeded the powers of the board, declares such action by the board to be ultra vires, and directs the board to cease and desist from involving itself formally or informally in the policies and programs of Tulane University or in matters involving the administration, management, or oversight of the Tulane University Environmental Law Clinic.

