

Regular Session, 2010

HOUSE BILL NO. 836

BY REPRESENTATIVE WOOTON

1 AN ACT

2 To enact R.S. 17:1818, relative to certain donations to higher education institutions; to  
3 require public academic degree-granting institutions to disclose certain information  
4 about gifts received from foreign governments, legal entities, or persons; to provide  
5 for procedures and enforcement; to provide for rules; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:1818 is hereby enacted to read as follows:

9 §1818. Disclosure of gifts made to higher education institutions by foreign  
10 governments, persons, and entities

11 A. As used in this Section, the following terms shall have the following  
12 meanings unless the context clearly requires otherwise:

13 (1) "Fiscal year" shall mean the fiscal year of the state of Louisiana.

14 (2) "Foreign government" shall mean any government other than the United  
15 States government or the government of a state or a political subdivision thereof and  
16 shall include an agent of such government.

17 (3) "Foreign legal entity" shall mean any of the following:

18 (a) Any legal entity created under the laws of a foreign government.

19 (b) Any legal entity created under the laws of the United States or of any  
20 state of the United States if a majority of the ownership of the stock of such legal  
21 entity is directly or indirectly owned legally or beneficially by one or more foreign  
22 governments or one or more foreign persons or one or more legal entities created  
23 under the laws of a foreign government or if a majority of the membership of any

1 such entity is composed of foreign persons or legal entities created under the laws  
2 of a foreign government and shall include an agent of such legal entity.

3 (4) "Foreign person" shall mean any individual who is not a citizen or  
4 national of the United States or a trust territory or protectorate of the United States  
5 and shall include an agent of such individual.

6 (5) "Gift" shall mean an endowment, scholarship, gift, donation, grant, or  
7 award of money or property of any kind. "Gift" shall include entering into a contract  
8 or other agreement to make a gift.

9 (6) "Higher education institution" shall mean each Louisiana public  
10 postsecondary, academic degree-granting institution.

11 B.(1) Every higher education institution shall disclose the amount, terms,  
12 restrictions, and requirements attached to or made a part of any gift of a value in  
13 excess of two hundred fifty thousand dollars made to such institution by a foreign  
14 government, foreign legal entity, or foreign person in any fiscal year. If the foreign  
15 government, foreign legal entity, or foreign person makes more than one gift to an  
16 institution in any fiscal year, and the total value of those gifts in such fiscal year  
17 exceeds two hundred fifty thousand dollars, the institution shall disclose all of such  
18 gifts received.

19 (2) The disclosure required by this Section shall be made in a report to the  
20 Board of Regents, which shall be filed with the Board of Regents no later than thirty  
21 days after the final day of the fiscal year.

22 C. The report required by Subsection B of this Section shall include all of the  
23 following:

24 (1) The amount of the gift and the date on which the gift was made to the  
25 higher education institution.

26 (2) If the gift is conditional, matching, or designated for a particular purpose,  
27 full details of the conditions, matching provisions, or designation.

28 (3) The name of the foreign government, in the case of a gift by a foreign  
29 government.

1                   (4) The name of the foreign country in which a foreign entity or foreign  
2                   person is principally located or resides, in the case of a gift by a foreign entity or  
3                   foreign person.

4                   (5) The name of the foreign entity, in the case of a gift which either:

5                   (a) Contains conditions or restrictions regarding the control of curricula,  
6                   employment or termination of faculty, admission of students, or student fees; or

7                   (b) Is contingent upon the agreement of the institution to take any specific  
8                   public position or actions or to award any honorary degree.

9                   (6) The purpose or purposes for which the gift will be used.

10                  D. The report and all information in the report shall be a public record.

11                  E. At the request of the Board of Regents, the attorney general may file a  
12                  civil action to compel a higher education institution to comply with the provisions  
13                  of this Section.

14                  F. The Board of Regents may adopt rules, in accordance with the  
15                  Administrative Procedure Act, to provide for implementation of this Section.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_