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BOARD of REGENTS
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Samuel T. Gil, Student Member

AGENDA LOUISIANA TUITION TRUST AUTHORITY

Wednesday, March 27, 2024

9:40 a.m.

Claiborne Building, 1st Floor
Louisiana Purchase Room 1-100
1201 North Third Street
Baton Rouge, Louisiana

- I. Call to Order
- II. Roll Call
- III. Public Comments
- IV. Approval of the Minutes
- V. Consent Agenda
 - A. Approval of Final Rulemaking – Rulemaking to amend the ABLE Program rules to implement the provisions of Act 96 of the 2023 Regular Session of the Louisiana Legislature.*
 - B. Approval of Final Rulemaking – Rulemaking to amend the bylaws for the LOSFA Advisory Board and to implement bylaws for the Louisiana ABLE Account Advisory Council so that they will be able to utilize the provisions of Act 393 of the 2023 Regular Session of the Louisiana Legislature.**
 - C. Approval of Rulemaking to amend Section 315 of the START Saving Program rules to add the applicable interest rates for the Louisiana Principal Protection investment option and for Earnings Enhancements for the 2023 calendar year.
- VI. Adjournment

* Act 96 – Clarifies the account refund recipient when the account owner/beneficiary dies

**Act 393 – Open Meeting Laws

LATTA Members: Dr. Kim Hunter Reed, Chair, David Aubrey, Christian Creed, Blake R. David, Sen. Cleo Fields, Stephanie A. Finley, Rachel Kincaid, Robert W. Levy, Phillip R. May, Jr., Darren G. Mire, Wilbert D. Pryor, T. Jay Seale III, Gary N. Solomon, Jr., Terrie P. Sterling, Collis B. Temple III, Felix R. Weill, Judy A. Williams-Brown, Samuel T. Gill, (Student Member)



START

SAVING PROGRAM

LOUISIANA'S 529 COLLEGE SAVINGS PLAN

— A PROGRAM OF THE BOARD OF REGENTS —

Minutes

Louisiana Tuition Trust Authority (LATTA)

August 23, 2023

The Louisiana Tuition Trust Authority (LATTA) met on Wednesday, August 23, 2023, at 10:45 a.m. in the Claiborne Building, Louisiana Purchase Room, 1201 North Third Street, First Floor, Baton Rouge, Louisiana.

Commissioner Reed called the meeting to order, and the roll was called.

LATTA Members Present

Dr. Kim Hunter-Reed, Chair
Regent David Aubrey
Regent Blake David
Regent Stephanie Finley
Regent Darren Mire
Regent Wilbert Pryor
Regent T. Jay Seale
Regent Gary Solomon
Regent Terrie Sterling
Regent Collis Temple
Regent Felix Weill
Regent Judy Williams-Brown

Staff Members Present


Dr. Sujuan Boutté
Rhonda Bridevaux
Robyn Lively

LATTA Members Absent

Regent Christian Creed
Regent Randy Ewing*
Senator Cleo Fields
Regent Samuel Gil
Ms. Rachel Kincaid
Regent Robert Levy*
Regent Phillip May*
Rep. Buddy Mincey
Mr. John Williams

**Joined while the meeting was in progress*

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Twelve members were present, which represented a quorum, and there was no public comment.

On motion of Regent Mire, seconded by Regent Temple, the LATTA approved the minutes from the April 26, 2023 meeting.

CONSENT AGENDA

- A. Approval of Final Rulemaking – Rulemaking to implement the SECURE 2.0 Act of 2022 and to amend Section 315 to add the applicable interest rates for the START Saving Program for calendar year ending December 31, 2022.

Dr. Sujuan Boutté, Executive Director of the Louisiana Office of Student Financial Assistance (LOSFA), indicated that at its meeting on April 26, 2023, the Board of Regents authorized publication of a Notice of Intent to implement the SECURE 2.0 Act of 2022 and to amend Section 315 to add the applicable interest rates for the START Saving Program for the calendar year ending December 31, 2022. The LOSFA Advisory Board recommends that the Board of Regents authorize publication of the final rule.

- B. Approval of Rulemaking – Rulemaking to amend the ABLE Program rules to implement the provisions of Act 96 of the 2023 Regular Session of the Louisiana Legislature.

Dr. Sujuan Boutté, Executive Director of the Louisiana Office of Student Financial Assistance (LOSFA), explained that legislation from the 2023 Regular Session of the Louisiana Legislature included Act 96, which clarifies the recipient of a refund of the account when the account owner/beneficiary dies. The Louisiana ABLE Account Advisory Council recommends that the Board of Regents authorize publication of the final rule.



C. Approval of Rulemaking - Rulemaking to implement bylaws so that the Louisiana ABLÉ Account Advisory Council will be able to utilize the provisions of Act 393 of the 2023 Regular Session of the Louisiana Legislature.

Dr. Sujuan Boutté, Executive Director of the Louisiana Office of Student Financial Assistance (LOSFA), explained that legislation from the 2023 Regular Session of the Louisiana Legislature included Act 393, which allows an advisory board to conduct no more than one third of its annual meetings electronically, provided certain conditions are met. The Louisiana ABLÉ Account Advisory Council recommends that the Board of Regents authorize publication of the final rule.

On motion of Regent Temple, seconded by Regent David, the LATTA approved the Consent Agenda items.

There being no further business, on motion of Regent David, with a second by Regent Temple, the meeting adjourned at 10:45 a.m.

Agenda Item V.A.

Consent Agenda: Approval of Final Rulemaking

Final rulemaking to amend the ABLE Program rules to implement the provisions of Act 96 of the 2023 Regular Session of the Louisiana Legislature

Background:

At its August 23, 2023, meeting, the Louisiana Tuition Trust Authority (LATTA) authorized publication of a Notice of Intent to effect the rule changes described below. The Notice of Intent was published in the Louisiana Register on September 20, 2023. The text of the rule changes is reflected in the attached excerpts from the Louisiana Register.

This rulemaking implements Act 96 of the 2023 Regular Session of the Louisiana Legislature, as follows:

- Clarifies the recipient of a refund of the account when the account owner/beneficiary dies, and
- Prohibits the seizure of funds remaining in an account after the death of the account/owner beneficiary by Medicaid and provides that if a refund recipient is not named by the account owner/beneficiary, funds remaining in the account shall be deposited into the Disability Services Fund established by the state.

Louisiana ABLE Account Advisory Council Recommendation

The Louisiana ABLE Account Advisory Council recommends that the Louisiana Tuition Trust Authority authorize publication of the final rule.

Agenda Item V.B.

Consent Agenda: Approval of Final Rulemaking (Open Meeting Laws)

Final rulemaking to amend the bylaws for the LOSFA Advisory Board and to implement bylaws for the Louisiana ABLA Account Advisory Council so that they will be able to utilize the provisions of Act 393 of the 2023 Regular Session of the Louisiana Legislature.

Background:

At its August 23, 2023, meeting, the Board of Regents authorized publication of a Notice of Intent to effect the rule changes described below. The Notice of Intent was published in the *Louisiana Register* on September 20, 2023.

This rulemaking implements Act 393 of the 2023 Regular Session of the Louisiana Legislature, as indicated below:

- Provides for the conduct of no more than one third of its annual meetings electronically, provided the following conditions are met:
 - Provide an anchor location from which the presiding officer must conduct the meeting;
 - Receive and acknowledge public comment during the meeting;
 - Ensure the identification of each person participating in the meeting;
 - Require a roll call vote for every motion;
- Ensures that all parts of the meeting, excluding executive sessions, can be seen and heard. In the event the meeting becomes unable to be seen or heard, the meeting must be recessed until such time as full audio and video capabilities are restored. If restoration of capabilities is not possible within 2 hours, the meeting must be adjourned and no further business may occur.

Members who have a disability that is recognized by the Americans with Disabilities Act (ADA) may attend any or all meetings remotely, their presence will be counted toward a quorum, and they may participate in such meeting as if they are present.

*Note that the ABLA Advisory Council and the LOSFA Advisory Board by-laws were combined for purposes of publication in the Louisiana Register.

LOSFA Advisory Board and Louisiana ABLA Account Advisory Council Recommendation

The LOSFA Advisory Board and Louisiana ABLA Account Advisory Council recommends that the Louisiana Tuition Trust Authority authorize publication of the final rule.

Agenda Item V.C.

Consent Agenda: Approval of Rulemaking (START Interest Rates)

Rulemaking to amend Section 315 of the START Saving Program rules to add the applicable interest rates for the Louisiana Principal Protection investment option and for Earnings Enhancements for the 2023 calendar year.

Background:

The proposed rulemaking adds the interest rates to be applied to deposits in the START Saving Plan's principal protection option and to be applied for eligible Earnings Enhancements for the tax year ending December 31, 2023.

LSA-R.S. 17:3095E(2) requires the State Treasurer to determine and report to the Louisiana Tuition Trust Authority the total earnings and the rate of return achieved on deposits in the Louisiana Education Tuition and Savings Fund (the "Fund") and, based upon that report, the Authority, with the approval of the State Treasurer, shall establish the rate of interest to be applied to the accumulated funds in the START accounts of record and to credit the appropriate amount of interest earnings to each such account. LSA-R.S. 17:3093D(1)(f) requires the Authority to adopt rules that include the interest rates approved by the State Treasurer to be paid on START Accounts of record at the close of each calendar year.

The compilation of quarterly reports received from the State Treasurer for the year ending December 31, 2023, indicates that on an average daily balance of deposits of \$388,147,233.76 the Fund earned \$5,549,780.56. Further, the compilation of quarterly reports of the State Treasurer indicates that the Savings Enhancement Fund, which contains the Earnings Enhancements annually appropriated by the Louisiana Legislature earned \$803,396.06 on an average daily balance of \$28,046,426.63. The State Treasurer has notified the Authority by letter dated January 31, 2024, that the approved, calculated interest rate for deposits was 1.43% and for Earnings Enhancements was 2.86%.

LOSFA Advisory Board Recommendation

The LOSFA Advisory Board recommends that the Louisiana Tuition Trust Authority approve the rulemaking and authorize the Executive Director of LOSFA to publish a Notice of Intent to make these rules permanent.