
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jeanne C. Johnston.

DIGEST

Present constitution establishes the Board of Regents to plan, coordinate, and have budgetary responsibility for all public postsecondary education. Provides that the board is comprised of two members from each congressional district and one member from the state at large, all appointed by the governor, subject to Senate confirmation, for staggered six-year terms. Provides that the board should be representative of the state's population by race and gender to ensure diversity.

Present constitution creates the Board of Supervisors for the University of Louisiana System, the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, and the Board of Supervisors of Southern University and Agricultural and Mechanical College all having supervision and management of certain "four-year" colleges and universities and, in the case of the LSU and SU boards, statewide agricultural programs and other programs administered through their systems. Provides that each board is comprised of two members from each congressional district and one member from the state at large, all appointed by the governor, subject to Senate confirmation, for staggered six-year terms.

Present constitution creates and provides for the Board of Supervisors of Community and Technical Colleges, which is the management board for the Louisiana Technical College and specified community colleges. Provides that the system includes all programs of public postsecondary vocational-technical training, and, as provided by law, institutions of higher education which offer associate degrees but not baccalaureate degrees. Provides that the board has 15 members appointed by the governor (two members from each congressional district and the remainder from the state at large) subject to Senate confirmation, for staggered six-year terms, and two student members.

Present constitution creates and provides for the Board of Regents. Provides that the powers of management over public institutions of postsecondary education not specifically vested by the constitution in the Board of Regents are reserved to the management boards as to the institutions under the control of each.

Proposed constitutional amendment abolishes the Board of Regents, the three management boards of four-year colleges and universities, and the Board of Supervisors of Community and Technical Colleges. Creates instead the Louisiana Postsecondary Education Board of Trustees. Provides that the board is comprised of two members from each congressional district and one from the state at large, all appointed by the governor, subject to Senate confirmation, for staggered six-year terms. Specifies that members serving on a date when a change in congressional districts becomes effective shall complete their terms and successors shall be appointed as provided in proposed constitutional amendment. Authorizes the board to provide for one student member to serve one term of one year and to have the rights of other board

members. Provides that the board should be representative of the state's population by race and gender to ensure diversity.

Proposed constitutional amendment provides for the powers and duties of the Louisiana Postsecondary Education Board of Trustees. Grants the board of trustees the powers of supervision and management of institutions and programs of the LSU board, the SU board, the UL board, and the community and technical colleges board, all to be abolished by proposed constitutional amendment.

Present constitution authorizes the Board of Regents to study the need for and feasibility of creating a new institution of postsecondary education, which includes establishing a branch of an institution, converting an institution that does not grant degrees to one that does and converting an institution that grants degrees of lower rank than a baccalaureate degree to one that offers such degrees, or merging any institution of postsecondary education into another, establishing a new management board, and transferring a college or university from one board to another.

Provides that, if the creation of a new institution, the merger of institutions, the addition of another management board, or the transfer of an existing institution from one board to another is proposed, the board shall report its written findings and recommendations to the legislature within one year after such a proposal.

Provides that only after the report has been filed, or after one year after the legislative proposal if no report is filed, may the legislature take affirmative action on such a proposal and then only by law enacted by two-thirds of the elected members of each house.

Proposed constitutional amendment instead authorizes the new board of trustees to study only the need for and feasibility of creating a new institution of postsecondary education or the merger of institutions.

Retains explanation of what creation of a new institution includes.

Deletes authority to study and make recommendations relative to the establishment of a new management board or the transfer of an institution from one management board to another.

Removes the requirement that legislative approval be by a 2/3 vote of each house.

Proposed constitutional amendment otherwise generally provides that the trustees exercise the powers and duties of the Board of Regents being abolished by proposed constitutional amendment, including authority:

1. To plan, coordinate, and exercise budgetary responsibility for all postsecondary education institutions.
2. To revise or eliminate an existing degree program, department of instruction, division, or similar subdivision.

3. To approve, disapprove, or modify a proposed degree program, department of instruction, division, or similar subdivision.
4. To formulate and make timely revision of a master plan for postsecondary education. At a minimum, the plan shall include a formula for equitable distribution of funds to the institutions of postsecondary education.
5. To require that each institution (instead of each management board) submit to it, at a time it specifies, an annual budget proposal for its operational and capital needs. The board shall submit its budget recommendations for all postsecondary education institutions. It shall recommend priorities for capital construction and improvements.
6. To meet with the State Board of Elementary and Secondary Education at least twice a year to coordinate programs of public elementary, secondary, vocational-technical, career, and higher education.

Present constitution provides that appropriations for the institutions of higher education be made to their managing boards and that the funds appropriated be administered by the managing boards and used solely as provided by law.

Proposed constitutional amendment provides instead that appropriations for public postsecondary education institutions and other public postsecondary education purposes be made to and administered by the Board of Trustees and used solely as provided by law.

Proposed constitutional amendment retains present constitutional provisions for limitations of the terms a member may serve - not more than two and one-half in three consecutive terms - and makes them applicable to the Louisiana Postsecondary Education Board of Trustees.

Proposed constitutional amendment changes references to the Board of Regents in provisions for the Higher Education Louisiana Partnership Program to the board of trustees.

Present constitution authorizes the legislature to provide for operation and management of public hospitals and their programs by the Board of Regents or a management board. Excepts from such authority institutions and programs operated by a management board prior to January 1, 1997.

Proposed constitutional amendment authorizes the legislature to provide for operation and management of public hospitals by the Louisiana Postsecondary Education Board of Trustees. Removes exception for institutions and programs operated by a management board prior to January 1, 1997.

Relative to implementation (implementation provisions are effective Jan. 1, 2012), proposed constitutional amendment provides that on the effective date of the amendment (Jan. 1, 2013), the Board of Regents, the Board of Supervisors of Louisiana State University and Agricultural College, the Board of Supervisors of Southern University and Agricultural College, and the

Board of Supervisors for the University of Louisiana System are abolished and on that date, except as inconsistent with the amendment, the Louisiana Postsecondary Education Board of Trustees, the "Trustees" is created and the powers, duties, functions, and responsibilities of such abolished boards are transferred to the Trustees. Requires the legislature to provide by law for the implementation of the amendment and for the transfer of such powers, duties, functions, and responsibilities. Further provides that the Board of Regents and the management boards shall take such action prior to January 1, 2013, as necessary to provide for implementation of the Trustees on that date. Requires the governor to appoint the initial members of the Trustees not later than March 1, 2012, for initial terms as provided by law, and that such members shall take such actions as authorized by law to provide for implementation of the Trustees on January 1, 2013.

Effective January 1, 2013, except transition provisions are effective January 1, 2012.

Specifies submission of the amendment to the voters at the statewide election to be held on October 22, 2011.

(Amends Const. Art. IV, Sec. 22(A), Art. VII, Sec. 10.1(C)(1) and (3) and (D)(1)(intro. para.) and 10.4(B)(1), (3), and (4), and Art. VIII, Sec. 5 and 16; adds Const. Art. XIV, Sec. 41; repeals Const. Art. VIII, Sec. 6, 7, 7.1, 8(B), and 12)