
DIGEST

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Tucker

HB No. 391

Abstract: Creates the La. Postsecondary Education Board of Trustees, a single governing board for postsecondary education; abolishes the Board of Regents and the management boards of the postsecondary education systems, and transfers the powers, duties, and responsibilities of the abolished boards to the new Board of Trustees.

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 La. 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 specifies the powers of the Board of Regents. Provides that 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 and creates the La. Postsecondary Education Board of Trustees. Provides that the board is comprised of 15 members, with at least two members from each congressional district and the remainder 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 shall 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 La. 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. Provides that if the creation of a new institution or the merger of institutions, addition of management boards, or transfer of institutions among boards is proposed by the legislature, 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 2/3 of the elected members of each house.

Proposed constitutional amendment retains present constitution except removes the provisions relative to proposals to add management boards and transfer institutions among boards thus making the requirement for a 2/3 vote of each house for the legislature to take action applicable only to proposals to create new institutions or merge institutions.

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 which as a minimum 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. Requires the board to submit its budget recommendations for all postsecondary education institutions and 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 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 constitution provisions for limitations of the terms a member may serve, not more than 2-1/2 in three consecutive terms, and makes them applicable to the Board of Trustees.

Proposed constitutional amendment changes references to the Board of Regents in provisions for the Higher Education La. 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 Jan. 1, 1997.

Proposed constitutional amendment authorizes the legislature to provide for operation and management of public hospitals by the Board of Trustees. Removes exception for institutions and programs operated by a management board prior to Jan. 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 and Mechanical College, the Board of Supervisors of Southern University and Agricultural and Mechanical 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 University System 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 Jan. 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 Jan. 1, 2013.

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

Provides for submission of the proposed amendment to the voters at the statewide election to be held Oct. 22, 2011.

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

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the original bill.

1. Provides that the Board of Trustees shall be representative of the state's population by race and gender instead of should be so representative.
2. Reinstates present constitution that requires a 2/3 vote of each house for the legislature to take action on proposals to create new institutions or merge institutions.

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the engrossed bill.

1. Provided for the addition or loss of a congressional district by clarifying that the board shall consist of 15 members, with at least two from each congressional district and the remainder appointed at large.