



1 boards or commissions for a period of at least two years after the completion of such  
2 consecutive terms of service:

3 \* \* \*

4 (3) The ~~Board of Regents~~ Louisiana Postsecondary Education Board of  
5 Trustees.

6 \* \* \*

7 Section 2. Be it resolved by the Legislature of Louisiana, two-thirds of the members  
8 elected to each house concurring, that there shall be submitted to the electors of the state of  
9 Louisiana, for their approval or rejection in the manner provided by law, a proposal to  
10 amend Article VII, Sections 10.1(C)(1) and (3) and (D)(1)(introductory paragraph) and  
11 10.4(B)(1), (3), and (4) of the Constitution of Louisiana, to read as follows:

12 §10.1. Quality Trust Fund; Education

13 Section 10.1.

14 \* \* \*

15 (C) Reports; Allocation. (1) The State Board of Elementary and Secondary  
16 Education and the ~~Board of Regents~~ Louisiana Postsecondary Education Board of  
17 Trustees shall annually submit to the legislature and the governor, not less than sixty  
18 days prior to the beginning of each regular session of the legislature, a proposed  
19 program and budget for the expenditure of the monies in the Support Fund. Proposals  
20 for such expenditures shall be designed to improve the quality of education and shall  
21 specifically designate those monies to be used for administrative costs, as defined  
22 and authorized by law.

23 \* \* \*

24 (3) The legislature shall appropriate the total amount intended for higher  
25 educational purposes to the Board of ~~Regents~~ Trustees and the total amount intended  
26 for elementary and secondary educational purposes to the State Board of Elementary  
27 and Secondary Education which boards shall allocate the monies so appropriated to  
28 the programs as previously approved by the legislature.

29 \* \* \*

1 (D) Disbursement; Higher Education and Elementary and Secondary  
2 Education. (1) The treasurer shall disburse not more than fifty percent of the monies  
3 in the Support Fund as that money is appropriated by the legislature and allocated by  
4 the Board of ~~Regents~~ Trustees for any or all of the following higher educational  
5 purposes to enhance economic development:

6 \* \* \*

7 §10.4. Higher Education Louisiana Partnership Fund; Program

8 Section 10.4.

9 \* \* \*

10 (B) Higher Education Louisiana Partnership Program. (1) Upon  
11 appropriation by the legislature, the monies in the fund shall be divided into  
12 matching grants for the Higher Education Louisiana Partnership Program which shall  
13 be administered by the ~~Board of Regents~~ Louisiana Postsecondary Education Board  
14 of Trustees. The ~~Board of Regents~~ board may allocate program funds to each public  
15 or independent institution of higher education on a one to one and one-half matching  
16 basis or one twenty thousand dollar state matching grant for each thirty thousand  
17 dollars raised specifically for the purposes of participation in the Higher Education  
18 Louisiana Partnership Program by the institutions of higher education from private  
19 sources. The state matching portion shall be allocated by the Board of ~~Regents~~  
20 Trustees only after it determines that an eligible institution has accumulated not less  
21 than the minimum required amount from private sources for the purposes of the  
22 Higher Education Louisiana Partnership Program.

23 \* \* \*

24 (3) State matching funds shall be applied only to private source funds  
25 contributed after July 1, 1991, and pledged for the purposes of this Section as  
26 certified by the Board of ~~Regents~~ Trustees. Pledged contributions shall not be  
27 eligible for state matching funds prior to their actual collection.

28 (4) Each institution of higher education may establish its own Higher  
29 Education Louisiana Partnership Program fund as a depository for private

1 contributions and state matching funds as provided herein. The state matching funds  
2 allocated by the Board of ~~Regents~~ Trustees shall be transferred to an institution upon  
3 notification that the institution has received and deposited the necessary private  
4 contributions in its own Higher Education Louisiana Partnership Program fund.

5 \* \* \*

6 Section 3. Be it resolved by the Legislature of Louisiana, two-thirds of the members  
7 elected to each house concurring, that there shall be submitted to the electors of the state of  
8 Louisiana, for their approval or rejection in the manner provided by law, a proposal to  
9 amend Article VIII, Sections 5, 6(A), 7(A), 7.1(A)(1), 8(D), and 16 of the Constitution of  
10 Louisiana, to read as follows:

11 §5. ~~Board of Regents~~ Louisiana Postsecondary Education Board of Trustees

12 Section 5.(A) Creation; Functions. The ~~Board of Regents~~ Louisiana  
13 Postsecondary Education Board of Trustees, referred to in this Section as the board  
14 or the Board of Trustees, is created as a body corporate. It shall plan, coordinate, and  
15 have budgetary responsibility for all public postsecondary education, ~~and~~ The board  
16 shall have other powers, duties, and responsibilities provided in this Section or by  
17 law.

18 (B)(1) Membership; Terms. The board shall be composed of ~~fifteen~~ seven  
19 ~~members, of whom two members shall be from each congressional district and the~~  
20 ~~remaining member or members shall be from the state at large~~ The president of each  
21 public postsecondary education system shall serve as an ex officio member of the  
22 board, and one member shall be appointed by the governor, with consent of the  
23 Senate, one member shall be appointed by the Louisiana House of Representatives,  
24 and one member shall be appointed by the Louisiana Senate. The appointed members  
25 shall serve for overlapping terms of six years, following initial terms which shall be  
26 fixed by law. The member appointed by the governor shall serve as chairman. The  
27 board should be representative of the state's population by race and gender to ensure  
28 diversity.

1           ~~(2) No person who has served as a member of the board for more than two~~  
2           ~~and one-half terms in three consecutive terms shall be appointed to the board for the~~  
3           ~~succeeding term. This Subparagraph shall not apply to any person appointed to the~~  
4           ~~board prior to the effective date of this Subparagraph, except that it shall apply to any~~  
5           ~~term of service of any such person that begins after such date.~~

6           (C) Vacancy. A vacancy occurring prior to the expiration of a term of an  
7           appointed member shall be filled for the remainder of the unexpired term ~~by~~  
8           ~~appointment by the governor, with consent of the Senate~~ in manner of the original  
9           appointment.

10           (D) Powers. The Board of ~~Regents~~ Trustees shall meet with the State Board  
11           of Elementary and Secondary Education at least twice a year to coordinate programs  
12           of public elementary, secondary, vocational-technical, career, and higher education.  
13           The Board of ~~Regents~~ Trustees shall have the following powers, duties, and  
14           responsibilities relating to public institutions of postsecondary education:

15           ~~(1) To revise or eliminate an existing degree program, department of~~  
16           ~~instruction, division, or similar subdivision.~~

17           ~~(2) To approve, disapprove, or modify a proposed degree program,~~  
18           ~~department of instruction, division, or similar subdivision.~~

19           ~~(3)(a) To study the need for and feasibility of creating a new institution of~~  
20           ~~postsecondary education, which includes establishing a branch of such an institution~~  
21           ~~or converting any non-degree granting institution to an institution which grants~~  
22           ~~degrees or converting any college or university which is limited to offering degrees~~  
23           ~~of a lower rank than baccalaureate to a college or university that offers baccalaureate~~  
24           ~~degrees or merging any institution of postsecondary education into any other~~  
25           ~~institution of postsecondary education, establishing a new management board, and~~  
26           ~~transferring a college or university from one board to another.~~

27           ~~(b) If the creation of a new institution, the merger of any institutions, the~~  
28           ~~addition of another management board, or the transfer of an existing institution of~~  
29           ~~higher education from one board to another is proposed, the Board of Regents shall~~

1 ~~report its written findings and recommendations to the legislature within one year.~~  
2 ~~Only after the report has been filed, or after one year from the receipt of a request for~~  
3 ~~a report from the legislature if no report is filed, may the legislature take affirmative~~  
4 ~~action on such a proposal and then only by law enacted by two-thirds of the elected~~  
5 ~~members of each house.~~

6 ~~(4)~~ (1) To formulate and make timely revision of a master plan for  
7 postsecondary education. As a minimum, the plan shall include a formula for  
8 equitable distribution of funds to the institutions of postsecondary education. A  
9 favorable vote of at least five board members shall be required for adoption of the  
10 formula. The board shall select and contract with an independent certified public  
11 accountant for the purpose of having the data used in the development and  
12 implementation of this formula audited. The board shall pay the cost of this audit and  
13 shall annually report, not later than March fifteenth, on the year's formula to the  
14 House Committee on Education and the Senate Committee on Education.

15 ~~(5)~~ (2) To require that every postsecondary education board submit to it, at  
16 a time it specifies, an annual budget proposal for the operational ~~needs~~ and for  
17 capital needs of each institution under the control of each board. The Board of  
18 ~~Regents~~ Trustees shall submit its budget recommendations for all institutions of  
19 postsecondary education in the state. It shall recommend priorities for capital  
20 construction and improvements.

21 (3) Meet at least quarterly to discuss the extent to which each public  
22 postsecondary education management board is fulfilling its system's mission and  
23 collaborating with the other management boards to achieve accountability,  
24 efficiency, and effectiveness in public postsecondary education.

25 (E) Powers Not Vested. Powers of management over public institutions of  
26 postsecondary education not specifically vested by this Section in the Board of  
27 ~~Regents~~ Trustees are reserved to the Board of Supervisors of Louisiana State  
28 University and Agricultural and Mechanical College, the Board of Supervisors of  
29 Southern University and Agricultural and Mechanical College, ~~the Board of Trustees~~

1 ~~for State Colleges and Universities,~~ the Board of Supervisors for the University of  
2 Louisiana System, the Board of Supervisors of Community and Technical Colleges,  
3 and any other such board created pursuant to this Article, as to the institutions under  
4 the control of each.

5 §6. Board of Supervisors for the University of Louisiana System

6 Section 6.(A) Creation; Functions. The Board of Supervisors for the  
7 University of Louisiana System is created as a body corporate. Subject to powers  
8 vested by this Article in the ~~Board of Regents~~ Louisiana Postsecondary Education  
9 Board of Trustees, it shall have supervision and management of state colleges and  
10 universities not managed by a higher education board created by or under this  
11 Article.

12 \* \* \*

13 §7. Board of Supervisors of Louisiana State University and Agricultural and  
14 Mechanical College; Board of Supervisors of Southern University and  
15 Agricultural and Mechanical College

16 Section 7.(A) Creation; Powers. The Board of Supervisors of Louisiana  
17 State University and Agricultural and Mechanical College and the Board of  
18 Supervisors of Southern University and Agricultural and Mechanical College are  
19 created as bodies corporate. Subject to powers vested by this Article in the ~~Board~~  
20 ~~of Regents~~ Louisiana Postsecondary Education Board of Trustees, each shall  
21 supervise and manage the institutions, statewide agricultural programs, and other  
22 programs administered through its system.

23 \* \* \*

24 §7.1. Board of Supervisors of Community and Technical Colleges

25 Section 7.1.(A) Creation; Powers; Institutions; Divisions. (1) The Board of  
26 Supervisors of Community and Technical Colleges is created as a body corporate to  
27 manage the Louisiana Community and Technical College System subject to powers  
28 vested by this Article in ~~Board of Regents~~ Louisiana Postsecondary Education Board  
29 of Trustees. The system shall include all programs of public postsecondary

1 vocational-technical training, and, as provided by law, institutions of higher  
2 education which offer associate degrees but not baccalaureate degrees and such  
3 programs and institutions shall be supervised and managed by the board. The system  
4 shall be comprised of two divisions, the vocational-technical division which shall  
5 include all public postsecondary vocational-technical schools and the community  
6 college division which shall include the community colleges in the system.

7 \* \* \*

8 §8. Boards; Membership; Compensation

9 Section 8.

10 \* \* \*

11 (D) Congressional District Members. In order to implement the provisions  
12 of Subparagraphs ~~5(B)(1)~~, 6(B)(1), 7(B)(1), and 7.1(B)(1) of this Article, beginning  
13 on January 3, 2013, and beginning every ten years thereafter on the day the members  
14 of congress from newly reapportioned congressional districts take office, any  
15 vacancy that occurs on the respective board from a congressional district from which  
16 there are two or more board members shall be filled by appointment of an individual  
17 from a congressional district from which there are less than two members. After the  
18 membership includes two members from each congressional district, the next  
19 vacancy shall be filled by an appointment from the state at large.

20 \* \* \*

21 §16. Public Hospitals

22 Section 16. Notwithstanding any provision of this Article to the contrary, the  
23 legislature may provide by law for the supervision, operation, and management of  
24 public hospitals and their programs by the ~~Board of Regents Louisiana~~  
25 Postsecondary Education Board of Trustees or by any board having powers of  
26 management over public institutions of higher education created by this constitution  
27 or pursuant to this Article. Such laws may include but shall not be limited to laws  
28 providing for the submission and approval of capital and operating budgets,



1 appropriations and expenditures, the supervision, management, and oversight of the  
2 hospitals and their programs, and legislative review and disapproval of related rules.

3 This Section shall not apply to institutions and programs operated or managed prior  
4 to January 1, 1997, by any higher education management board created by this  
5 Article.

6 Section 4. Be it further resolved by the Legislature of Louisiana, two-thirds of the  
7 members elected to each house concurring, that there shall be submitted to the electors of  
8 the state of Louisiana, for their approval or rejection in the manner provided by law, a  
9 proposal to add Part IV of Article XIV of the Constitution of Louisiana, comprised of  
10 Section 41, to read as follows:

11 PART IV

12 §41. Louisiana Postsecondary Education Board of Trustees; Implementation

13 (A) On July 1, 2019, the Board of Regents is abolished and on that date,  
14 except as inconsistent with the amendment creating the Louisiana Postsecondary  
15 Education Board of Trustees, referred to in this Section as the "Trustees", the  
16 Trustees becomes the successor of the Board of Regents and certain powers, duties,  
17 functions, and responsibilities of such abolished board are transferred to the Trustees  
18 as provided by such amendment and by law.

19 (B) The Board of Regents shall take any action prior to July 1, 2019, to  
20 provide for implementation of the Trustees on that date. The governor of Louisiana,  
21 the House of Representatives of the Legislature of Louisiana, and the Senate of  
22 Louisiana shall appoint the initial members of the Trustees not later than January 1,  
23 2018, and such members and the ex officio members shall take such actions as  
24 authorized by law to provide for implementation of the Trustees on July 1, 2019.

25 (C) The legislature shall provide by law, not inconsistent with the  
26 constitutional amendment creating the Trustees, for the implementation of such  
27 amendment and for the transfer of such powers, duties, functions, and  
28 responsibilities.

1 Section 5. Be it further resolved that this proposed amendment shall be submitted  
2 to the electors of the state of Louisiana at the statewide election to be held on October 14,  
3 2017.

4 Section 6. Be it further resolved that the provisions of this amendment shall become  
5 effective on July 1, 2019, except that the provisions of Article XIV, Section 41 shall become  
6 effective on December 1, 2017.

7 Section 7. Be it further resolved that on the official ballot to be used at the election,  
8 there shall be printed a proposition, upon which the electors of the state shall be permitted  
9 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as  
10 follows:

11 Do you support an amendment to reorganize the governance of public  
12 postsecondary education, including provisions to create the Louisiana  
13 Postsecondary Education Board of Trustees, to abolish the Board of Regents,  
14 and to transfer certain powers, duties, and responsibilities of the abolished  
15 board to the new board of trustees and to the postsecondary education  
16 management boards? (Effective July 1, 2019, except that implementation  
17 provisions are effective December 1, 2017) (Amends Const. Art. IV,  
18 §22(A)(3), Art. VII, §§10.1(C)(1) and (3) and (D)(1)(introductory paragraph)  
19 and 10.4(B)(1), (3), and (4), and Art. VIII, §§5, 6(A), 7(A), 7.1(A)(1), 8(D)  
20 and 16; Adds Const. Art. XIV, §41)

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 342 Original

2017 Regular Session

Broadwater

**Abstract:** Creates the La. Postsecondary Education Board of Trustees, abolishes the Board of Regents, and transfers a limited number of Regents' powers to the new Board of Trustees.

**Governance of Public Postsecondary Education**

Present constitution establishes the Board of Regents to plan, coordinate, and have budgetary responsibility for all public postsecondary education. Proposed constitutional amendment abolishes the Board of Regents, creates the La. Postsecondary Education Board of Trustees,

and transfers these general responsibilities from the Board of Regents to the new Board of Trustees.

Present constitution also creates the Board of Supervisors for the University of La. System, the Board of Supervisors of La. State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University and Agricultural and Mechanical College, and the Board of Supervisors of Community and Technical Colleges – commonly known as the "management boards". Proposed constitutional amendment retains present constitution.

### **Powers**

Present constitution 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 retains this provision, applicable to powers not vested in the Board of Trustees.

Present constitution grants specific powers to the Board of Regents and provides that it shall have other powers, duties, and responsibilities provided by law. Specific powers granted by present constitution include the following:

- (1) To formulate and make timely revision of a master plan for postsecondary education, which shall, at minimum, shall include a formula for equitable distribution of funds to the institutions of postsecondary education.
- (2) To require that the management boards submit to it an annual budget proposal for operational and capital needs and capital needs of each institution under its control; to submit its budget recommendations for all institutions; and to recommend priorities for capital construction and improvements.

Proposed constitutional amendment retains these provisions, applicable to the Board of Trustees, and further:

- (1) Provides that approval of the funding formula shall require a vote of five members of the board.
- (2) Requires the board, relative to the funding formula, to select and contract with an independent certified public accountant to provide an audit of the data used in the formula's development and implementation. Requires the board to pay the cost of the audit and annually report, not later than March 15th, on the formula to the House Committee on Education and the Senate Committee on Education.
- (3) Grants the new board the power to ensure that each public postsecondary education management board is fulfilling its system's mission and collaborating with the other management boards to achieve accountability, efficiency, and effectiveness in public postsecondary education.

Present constitution also grants these additional powers to the Board of Regents:

- (1) To revise or eliminate an existing degree program, department of instruction, division, or similar subdivision.
- (2) To approve, disapprove, or modify a proposed degree program, department of instruction, division, or similar subdivision.
- (3) To study the need for and feasibility of creating a new institution of postsecondary education, which includes establishing a branch of such an institution, converting any non-degree granting institution to one that grants degrees, converting any

institution limited to offering degrees of a lower rank than baccalaureate to one that offers baccalaureate degrees, or merging institutions; establishing a new management board; and transferring an institution from one board to another.

Proposed constitutional amendment removes these powers and does not transfer them to the new board.

### **Membership**

Present constitution provides for the Board of Regents to have 15 members appointed by the governor, subject to Senate confirmation – two members from each congressional district and remaining member(s) from the state at large.

Proposed constitutional amendment instead provides for the Board of Trustees to have seven members – the president of each public postsecondary education system, one member appointed by the governor, subject to Senate confirmation, one member appointed by the La. House of Representatives, and one member appointed by the La. Senate. Provides that the member appointed by the governor serves as chairman.

Present constitution provides relative to the Board of Regents membership:

- (1) Provides that the board should be representative of the state's population by race and gender to ensure diversity.
- (2) Provides for members to serve for staggered six-year terms, following initial terms which shall be fixed by law.
- (3) Limits the terms a member may serve to not more than 2-1/2 in three consecutive terms.
- (4) Authorizes the legislature to provide for one student member to serve on the board.

Proposed constitutional amendment retains these provisions, applicable to the Board of Trustees.

### **Implementation**

Proposed constitutional amendment provides that on the effective date of the amendment (July 1, 2019), certain powers, duties, functions, and responsibilities of the abolished Board of Regents are transferred to the newly created Board of 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 requires that the Board of Regents take any action prior to July 1, 2019, as necessary to provide for implementation of the Board of Trustees on that date. Requires the governor, the House, and the Senate to appoint their initial appointees to the Board of Trustees not later than Jan. 1, 2018. Such members, along with the ex officio members (the system presidents), shall take actions as authorized by law to provide for implementation of the Board of Trustees on July 1, 2019.

Provides for submission of the proposed amendment to the voters at the statewide election to be held October 14, 2017.

Effective July 1, 2019, except transition provisions are effective December 1, 2017.

(Amends Const. Art. IV, §22(A)(3), 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, 6(A), 7(A), 7.1(A)(1), 8(D), and 16; Adds Const. Art. XIV, §41)