
DIGEST

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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)