

2016 Regular Session

HOUSE BILL NO. 169

BY REPRESENTATIVE CARMODY

HIGHER EDUCATION: (Constitutional Amendment) Relative to management of public postsecondary education, abolishes the Board of Regents and the management boards and transfers their powers, duties, and responsibilities to a newly created Louisiana Postsecondary Education Board of Trustees

A JOINT RESOLUTION

Proposing to amend Article IV, Section 22(A), Article VII, Sections 10.1(C)(1) and (3) and (D)(1)(introductory paragraph) and 10.4(B)(1), (3), and (4), and Article VIII, Sections 5 and 16, to add Part IV of Article XIV, to be comprised of Section 41, and to repeal Article VIII, Sections 6, 7, 7.1, 8(B) and (D), and 12 of the Constitution of Louisiana to provide for the governance of public postsecondary education; to create the Louisiana Postsecondary Education Board of Trustees; to abolish the Board of Regents and the postsecondary education management boards and transfer their powers, duties, and responsibilities to the board of trustees; to provide relative to the operation and management of public hospitals by the board of trustees; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article IV, Section 22(A) of the Constitution of Louisiana, to read as follows:

§22. Term Limits; Certain Boards and Commissions

(A) A person who has served as a member of any one or more of the following boards or commissions for more than two and one-half terms in three consecutive terms combined shall not serve as a member of any of the following

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

3 (1) The Public Service Commission.

4 (2) The State Board of Elementary and Secondary Education.

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

7 (4) ~~The Board of Supervisors for the University of Louisiana System.~~

8 (5) ~~The Board of Supervisors of Louisiana State University and Agricultural~~  
9 ~~and Mechanical College.~~

10 (6) ~~The Board of Supervisors of Southern University and Agricultural and~~  
11 ~~Mechanical College.~~

12 (7) ~~The Board of Supervisors of Community and Technical Colleges.~~

13 (8) The Forestry Commission.

14 (9) (5) The State Civil Service Commission.

15 (10) (6) The State Police Commission.

16 \* \* \*

17 Section 2. Be it resolved by the Legislature of Louisiana, two-thirds of the members  
18 elected to each house concurring, that there shall be submitted to the electors of the state of  
19 Louisiana, for their approval or rejection in the manner provided by law, a proposal to  
20 amend Article VII, Sections 10.1(C)(1) and (3) and (D)(1)(introductory paragraph) and  
21 10.4(B)(1), (3), and (4) of the Constitution of Louisiana, to read as follows:

22 §10.1. Quality Trust Fund; Education

23 Section 10.1.

24 \* \* \*

25 (C) Reports; Allocation. (1) The State Board of Elementary and Secondary  
26 Education and the ~~Board of Regents~~ Louisiana Postsecondary Education Board of  
27 Trustees shall annually submit to the legislature and the governor, not less than sixty  
28 days prior to the beginning of each regular session of the legislature, a proposed  
29 program and budget for the expenditure of the monies in the Support Fund.

1 Proposals for such expenditures shall be designed to improve the quality of education  
2 and shall specifically designate those monies to be used for administrative costs, as  
3 defined and authorized by law.

4 \* \* \*

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

10 \* \* \*

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

16 \* \* \*

17 §10.4. Higher Education Louisiana Partnership Fund; Program

18 Section 10.4.

19 \* \* \*

20 (B) Higher Education Louisiana Partnership Program. (1) Upon  
21 appropriation by the legislature, the monies in the fund shall be divided into  
22 matching grants for the Higher Education Louisiana Partnership Program which shall  
23 be administered by the ~~Board of Regents~~ Louisiana Postsecondary Education Board  
24 of Trustees. The ~~Board of Regents~~ board may allocate program funds to each public  
25 or independent institution of higher education on a one to one and one-half matching  
26 basis or one twenty thousand dollar state matching grant for each thirty thousand  
27 dollars raised specifically for the purposes of participation in the Higher Education  
28 Louisiana Partnership Program by the institutions of higher education from private  
29 sources. The state matching portion shall be allocated by the Board of ~~Regents~~

1 Trustees only after it determines that an eligible institution has accumulated not less  
2 than the minimum required amount from private sources for the purposes of the  
3 Higher Education Louisiana Partnership Program.

4 \* \* \*

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

9 (4) Each institution of higher education may establish its own Higher  
10 Education Louisiana Partnership Program fund as a depository for private  
11 contributions and state matching funds as provided herein. The state matching funds  
12 allocated by the Board of ~~Regents~~ Trustees shall be transferred to an institution upon  
13 notification that the institution has received and deposited the necessary private  
14 contributions in its own Higher Education Louisiana Partnership Program fund.

15 \* \* \*

16 Section 3. Be it resolved by the Legislature of Louisiana, two-thirds of the members  
17 elected to each house concurring, that there shall be submitted to the electors of the state of  
18 Louisiana, for their approval or rejection in the manner provided by law, a proposal to  
19 amend Article VIII, Sections 5 and 16 of the Constitution of Louisiana, to read as follows:

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

21 Section 5.(A) Creation; Functions. The ~~Board of Regents~~ Louisiana  
22 Postsecondary Education Board of Trustees, referred to in this Section as the board  
23 or the Board of Trustees, is created as a body corporate. It shall plan, coordinate,  
24 supervise, manage, and have budgetary responsibility for all public postsecondary  
25 education. ~~and~~ The board shall have other powers, duties, and responsibilities  
26 provided in this Section or by law.

27 (B)(1) Membership; Terms. The board shall be composed of fifteen  
28 members, of whom two members shall be from each congressional district and the  
29 remaining member or members shall be from the state at large, and all of whom shall

1 be appointed by the governor, with consent of the Senate, for overlapping terms of  
2 six years, ~~following initial terms which shall be fixed by law.~~ The board should be  
3 representative of the state's population by race and gender to ensure diversity.

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

9 In addition to the members provided for in Subparagraph (1) of this  
10 Paragraph, the legislature may provide for the membership of one student on the  
11 board. The term of a student member shall not exceed one year, and no student  
12 member shall be eligible to succeed himself. A student member shall have all of the  
13 privileges and rights of other board members.

14 (C) Vacancy. A vacancy occurring prior to the expiration of a term shall be  
15 filled for the remainder of the unexpired term by appointment by the governor, with  
16 consent of the Senate. A change in congressional districts does not cause a vacancy,  
17 regardless of the geographic distribution of members resulting from the change;  
18 however, based on congressional districts as they exist at the time a vacancy is being  
19 filled, the governor shall, to the extent possible, fill vacancies so that there will be  
20 at least two members from each congressional district as required by Subparagraph  
21 (B)(1) of this Section.

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

27 (1) To revise or eliminate an existing degree program, department of  
28 instruction, division, or similar subdivision.

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

3           (3)(a) To study the need for and feasibility of creating a new institution of  
4 postsecondary education, which includes establishing a branch of such an institution  
5 or converting any non-degree granting institution to an institution which grants  
6 degrees or converting any college or university which is limited to offering degrees  
7 of a lower rank than baccalaureate to a college or university that offers baccalaureate  
8 degrees or merging any institution of postsecondary education into any other  
9 institution of postsecondary education, ~~establishing a new management board, and~~  
10 ~~transferring a college or university from one board to another.~~

11           (b) If the creation of a new institution; or the merger of ~~any~~ institutions; ~~the~~  
12 ~~addition of another management board, or the transfer of an existing institution of~~  
13 ~~higher education from one board to another~~ is proposed, the Board of ~~Regents~~  
14 Trustees shall report its written findings and recommendations to the legislature  
15 within one year. Only after the report has been filed, or after one year from the  
16 receipt of a request for a report from the legislature if no report is filed, may the  
17 legislature take affirmative action on such a proposal and then only by law enacted  
18 by two-thirds of the elected members of each house.

19           (4) To formulate and make timely revision of a master plan for  
20 postsecondary education. As a minimum, the plan shall include a formula for  
21 equitable distribution of funds to the institutions of postsecondary education.

22           (5) To require that every postsecondary education ~~board~~ institution submit  
23 to it, at a time it specifies, an annual budget proposal for its operational ~~needs~~ and  
24 ~~for capital needs of each institution under the control of each board.~~ The Board of  
25 ~~Regents~~ Trustees shall submit its budget recommendations for all institutions of  
26 postsecondary education in the state. It shall recommend priorities for capital  
27 construction and improvements.

28           (E) ~~Powers Not Vested. Powers of management over public institutions of~~  
29 ~~postsecondary education not specifically vested by this Section in the Board of~~

1        ~~Regents are reserved to the Board of Supervisors of Louisiana State University and~~  
2        ~~Agricultural and Mechanical College, the Board of Supervisors of Southern~~  
3        ~~University and Agricultural and Mechanical College, the Board of Trustees for State~~  
4        ~~Colleges and Universities, the Board of Supervisors of Community and Technical~~  
5        ~~Colleges, and any other such board created pursuant to this Article, as to the~~  
6        ~~institutions under the control of each.~~ Appropriations. Appropriations for the  
7        institutions of public postsecondary education and for all other public postsecondary  
8        education purposes shall be made to and administered by the Board of Trustees and  
9        shall be used solely as provided by law.

\* \* \*

§16. Public Hospitals

Section 16. Notwithstanding any provision of this Article to the contrary, the legislature may provide by law for the supervision, operation, and management of public hospitals and their programs by the Louisiana Postsecondary Education Board of Regents or by any board having powers of management over public institutions of higher education created by this constitution or pursuant to this Article Trustees. Such laws may include but shall not be limited to laws providing for the submission and approval of capital and operating budgets, appropriations and expenditures, the supervision, management, and oversight of the hospitals and their programs, and legislative review and disapproval of related rules. ~~This Section shall not apply to institutions and programs operated or managed prior to January 1, 1997, by any higher education management board created by this Article.~~

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

1 PART IV2 §41. Louisiana Postsecondary Education Board of Trustees; Implementation

3 (A) On January 1, 2018, the Board of Regents, the Board of Supervisors of  
4 Louisiana State University and Agricultural and Mechanical College, the Board of  
5 Supervisors of Southern University and Agricultural and Mechanical College, the  
6 Board of Supervisors for the University of Louisiana System, and the Board of  
7 Supervisors of Community and Technical Colleges are abolished and on that date,  
8 except as inconsistent with the amendment creating the Louisiana Postsecondary  
9 Education Board of Trustees, referred to in this Section as the "Trustees", the  
10 Trustees is created and the powers, duties, functions, and responsibilities of such  
11 abolished boards are transferred to the Trustees.

12 (B) The Board of Regents, the Board of Supervisors of Louisiana State  
13 University and Agricultural and Mechanical College, the Board of Supervisors of  
14 Southern University and Agricultural and Mechanical College, the Board of  
15 Supervisors for the University of Louisiana System, and the Board of Supervisors  
16 of Community and Technical Colleges shall take such action prior to January 1,  
17 2018, to provide for implementation of the Trustees on that date. The governor shall  
18 appoint the initial members of the Trustees not later than March 1, 2017, and such  
19 members shall take such actions as authorized by law to provide for implementation  
20 of the Trustees on January 1, 2018. In making initial appointments, the governor  
21 shall designate the expiration date of the term to which each initial member is  
22 appointed. The designations shall be made in such manner as to cause the terms of  
23 five initial members to expire in 2019, five in 2021, and five in 2023.

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

1 Section 5. Be it resolved by the Legislature of Louisiana, two-thirds of the members  
2 elected to each house concurring, that there shall be submitted to the electors of the state of  
3 Louisiana, for their approval or rejection in the manner provided by law, a proposal to repeal  
4 Article VIII, Sections 6, 7, 7.1, 8(B) and (D), and 12 of the Constitution of Louisiana.

5 Section 6. Be it further resolved that this proposed amendment shall be submitted  
6 to the electors of the state of Louisiana at the statewide election to be held on November 8,  
7 2016.

8 Section 7. Be it further resolved that the provisions of this amendment shall become  
9 effective on January 1, 2018, except that the provisions of Article XIV, Section 41 shall  
10 become effective on January 1, 2017.

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

15 Do you support an amendment to reorganize the governance of public  
16 postsecondary education, including provisions to create the Louisiana  
17 Postsecondary Education Board of Trustees as a single governing board for  
18 public postsecondary education, to abolish the Board of Regents and the  
19 management boards of the postsecondary education systems, and to transfer  
20 the powers, duties, and responsibilities of the abolished boards to the new  
21 board of trustees? (Effective January 1, 2018, except that implementation  
22 provisions are effective January 1, 2017) (Amends Const. Art. IV, §22(A),  
23 Art. VII, §§10.1(C)(1) and (3) and (D)(1)(introductory paragraph) and  
24 10.4(B)(1), (3), and (4), and Art. VIII, §§5 and 16; Adds Art. XIV, §41;  
25 Repeals Art. VIII, §§6, 7, 7.1, 8(B) and (D), and 12)

## 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)]

HB 169 Original

2016 Regular Session

Carmody

**Abstract:** Creates the La. Postsecondary Education Board of Trustees as a single governing board for public 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, relative to public postsecondary education governance:

- (1) Establishes the Board of Regents to plan, coordinate, and have budgetary responsibility for all public postsecondary education.
- (2) Creates the Board of Supervisors for the University of La. System, the Board of Supervisors of La. 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 responsibilities for "four-year" colleges and universities and agricultural and other system programs.
- (3) Creates and provides for the Board of Supervisors of Community and Technical Colleges, which is the management board for 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.

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 and all four management boards and creates the La. Postsecondary Education Board of Trustees. Provides that the Board of Trustees shall have the powers of the Board of Regents to plan, coordinate, and have budgetary responsibility for all public postsecondary education and shall also have the management and supervision authority of the management boards.

Present constitution provides that the Board of Regents is comprised of two members from each congressional district and remaining members 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. Proposed constitutional amendment retains these provisions applicable to the Board of Trustees.

Present constitution authorizes the legislature to provide for one student member to serve on the Board of Regents for one term of one year and to have the rights of other board members. Proposed constitutional amendment retains these provisions applicable to the Board of Trustees.

Proposed constitutional amendment otherwise generally provides that the Board of Trustees exercises the powers and duties of the abolished Board of Regents, including authority:

- (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, 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.
- (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. 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.

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.

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, proposed constitutional amendment provides that on the effective date of the amendment (Jan. 1, 2018), the powers, duties, functions, and responsibilities of the abolished boards are transferred to the 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 provides that the Board of Regents and the management boards shall take such action prior to Jan. 1, 2018, as necessary to provide for implementation of the Board of Trustees on that date. Requires the governor to appoint the initial members of the Trustees not later than March 1, 2017. Such members shall take actions as authorized by law to provide for implementation of the Board of Trustees on Jan. 1, 2018.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 8, 2016.

Effective January 1, 2018, except transition provisions are effective January 1, 2017.

(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 (D), and 12)