

2016 Regular Session

HOUSE BILL NO. 374

BY REPRESENTATIVE STEVE CARTER

HIGHER EDUCATION: Provides relative to required qualifications for members of public postsecondary education boards

1 AN ACT

2 To amend and reenact R.S. 17:1453(A), 1831(B), 1851(B), 1871(A)(1), and 3121(B),  
3 relative to qualifications of members of postsecondary education management boards  
4 and the Board of Regents; to require specified qualifications for board members; to  
5 provide for appointments to implement the Act; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:1453(A), 1831(B), 1851(B), 1871(A)(1), and 3121(B) are hereby  
8 amended and reenacted to read as follows:

9 §1453. Terms and appointment of members of board

10 A.(1) The Board of Supervisors of Louisiana State University and  
11 Agricultural and Mechanical College is created as a body corporate in accordance  
12 with the provisions of Article VIII, Section 7 of the Constitution of 1974. The board  
13 shall be composed of fifteen members appointed by the governor with the consent  
14 of the Senate. Two members shall be appointed from each congressional district and  
15 the remaining member or members shall be appointed from the state at large.

16 (2)(a) In making his appointments the governor shall ensure that the board  
17 membership includes the following members with the qualifications specified:

18 (i) At least one member with at least five years experience as the chief  
19 executive officer, chief financial officer, or equivalent leadership officer of a large  
20 corporation or company within one of the largest manufacturing or business

1 components of the state's economy, such as construction, utilities, chemical  
2 manufacturing or processing, oil and gas, other manufacturing, banking, or finance.

3 (ii) At least one member who holds a Master of Business Administration  
4 degree or has had at least fifteen years of management experience in private business  
5 or industry.

6 (iii) At least three members who are graduates of an institution within the  
7 Louisiana State University system.

8 (iv) At least one member who has five years experience as an executive in  
9 the public sector in the field of economic development or workforce development.

10 (v) At least one member who has at least five years management experience  
11 in the public sector in the field of budget preparation and control or human resources  
12 management.

13 (b) In making his appointments the governor shall ensure that at least seven  
14 members of the board meet the qualifications required by at least one of the Items  
15 in Subparagraph (a) of this Paragraph and that as a whole the members meet the  
16 qualifications for all Items in Subparagraph (a) of this Paragraph.

17 (c) The board should be representative of the state's population by race and  
18 gender to ensure diversity.

19 (3) Each member shall serve a term of six years, which shall expire on June  
20 1 of the sixth year of the term to which he is appointed, or until his successor is  
21 appointed and takes office.

22 \* \* \*

23 §1831. Board of Supervisors for the University of Louisiana System; creation;  
24 membership; terms of office; vacancies

25 \* \* \*

26 B.(1) The board shall be composed of fifteen members. Two members from  
27 each congressional district shall be appointed by the governor and one or more  
28 members shall be appointed by the governor from the state at large. All such  
29 appointments shall be made with the consent of the Senate.

1           (2)(a) In making his appointments the governor shall ensure that the board  
2           membership includes the following members with the qualifications specified:

3           (i) At least one member with at least five years experience as the chief  
4           executive officer, chief financial officer, or equivalent leadership officer of a large  
5           corporation or company within one of the largest manufacturing or business  
6           components of the state's economy, such as construction, utilities, chemical  
7           manufacturing or processing, oil and gas, other manufacturing, banking, or finance.

8           (ii) At least one member who holds a Master of Business Administration  
9           degree or has had at least fifteen years of management experience in private business  
10           or industry.

11           (iii) At least three members who are graduates of an institution within the  
12           University of Louisiana system.

13           (iv) At least one member who has five years experience as an executive in  
14           the public sector in the field of economic development or workforce development.

15           (v) At least one member who has at least five years management experience  
16           in the public sector in the field of budget preparation and control or human resources  
17           management.

18           (b) In making his appointments the governor shall ensure that at least seven  
19           members of the board meet the qualifications required by at least one of the Items  
20           in Subparagraph (a) of this Paragraph and that as a whole the members meet the  
21           qualifications for all Items in Subparagraph (a) of this Paragraph.

22           (c) The board should be representative of the state's population by race and  
23           gender to ensure diversity.

24                           \*       \*       \*

25           §1851. Board of Supervisors of Southern University and Agricultural and  
26           Mechanical College; creation; membership; terms of office; vacancies

27                           \*       \*       \*

28           B.(1) The board shall be composed of fifteen members to be appointed by  
29           the governor, two members from each congressional district and the remaining

1 member or members from the state at large. All such appointments shall be made  
2 with the consent of the Senate.

3 (2)(a) In making his appointments the governor shall ensure that the board  
4 membership includes the following members with the qualifications specified:

5 (i) At least one member with at least five years experience as the chief  
6 executive officer, chief financial officer, or equivalent leadership officer of a large  
7 corporation or company within one of the largest manufacturing or business  
8 components of the state's economy, such as construction, utilities, chemical  
9 manufacturing or processing, oil and gas, other manufacturing, banking, or finance.

10 (ii) At least one member who holds a Master of Business Administration  
11 degree or has had at least fifteen years of management experience in private business  
12 or industry.

13 (iii) At least three members who are graduates of an institution within the  
14 Southern University system.

15 (iv) At least one member who has five years experience as an executive in  
16 the public sector in the field of economic development or workforce development.

17 (v) At least one member who has at least five years management experience  
18 in the public sector in the field of budget preparation and control or human resources  
19 management.

20 (b) In making his appointments the governor shall ensure that at least seven  
21 members of the board meet the qualifications required by at least one of the Items  
22 in Subparagraph (a) of this Paragraph and that as a whole the members meet the  
23 qualifications for all Items in Subparagraph (a) of this Paragraph.

24 \* \* \*

25 §1871. Board of Supervisors of Community and Technical Colleges; establishment;  
26 members; qualifications and terms; vacancies; duties

27 A.(1)(a) The Board of Supervisors of Community and Technical Colleges  
28 is created as a body corporate. The board shall be composed of fifteen members  
29 appointed by the governor with the consent of the Senate and of such appointments:

1 (i) One member shall be appointed by the governor from among three  
2 persons nominated by the Louisiana AFL-CIO.

3 ~~(ii) One member shall be appointed by the governor from among three~~  
4 ~~persons nominated by the Louisiana Association of Business and Industry.~~

5 ~~(iii) Two members shall be appointed by the governor from among six~~  
6 ~~persons nominated by the State Board of Elementary and Secondary Education.~~

7 (ii) At least one member shall be appointed by the governor who has at least  
8 five years experience as the chief executive officer, chief financial officer, or  
9 equivalent leadership officer of a large corporation or company within one of the  
10 largest manufacturing or business components of the state's economy, such as  
11 construction, utilities, chemical manufacturing or processing, oil and gas, other  
12 manufacturing, banking, or finance.

13 (iii) One member shall be appointed by the governor who has at least two  
14 years experience as the chief executive officer, chief financial officer, or equivalent  
15 leadership officer of a corporation or company engaged in one of Louisiana's three  
16 largest emerging industries or business activities as determined by the Department  
17 of Economic Development.

18 (iv) One member shall be appointed by the governor who holds a Master of  
19 Business Administration degree or has had at least fifteen years of management  
20 experience in private business or industry.

21 (v) One member shall be appointed by the governor who has five years  
22 experience as an executive in the public sector in the field of economic development  
23 or workforce development.

24 (vi) One member shall be appointed by the governor who has at least five  
25 years management experience in the public sector in the field of budget preparation  
26 and control or human resources management.

27 (b) In making his appointments the governor shall ensure that at least seven  
28 members of the board meet the qualifications required by at least one of the Items

1 in Subparagraph (a) of this Paragraph and that as a whole the members meet the  
2 qualifications for all Items in Subparagraph (a) of this Paragraph.

3 ~~(b)(c)~~ In addition, the board shall have two student members who shall serve  
4 one-year terms and shall be selected as provided in R.S. 17:1806.

5 ~~(c)(d)~~ Of the members selected and appointed by the governor, there shall  
6 be two members from each congressional district and the remaining member or  
7 members from the state at large.

8 \* \* \*

9 §3121. Board of Regents; creation; membership; terms of office; vacancies;  
10 responsibilities

11 \* \* \*

12 B.(1) The board shall be composed of fifteen members appointed by the  
13 governor with the consent of the Senate, who are electors of the state. Two members  
14 shall be from each congressional district and the remaining member or members  
15 from the state at large.

16 (2)(a) In making his appointments the governor shall ensure that the board  
17 membership includes the following members with the qualifications specified:

18 (i) At least one member with at least five years experience as the chief  
19 executive officer, chief financial officer, or equivalent leadership officer of a large  
20 corporation or company within one of the largest manufacturing or business  
21 components of the state's economy, such as construction, utilities, chemical  
22 manufacturing or processing, oil and gas, other manufacturing, banking, or finance.

23 (ii) At least one member who holds a Master of Business Administration  
24 degree or has had at least fifteen years of management experience in private business  
25 or industry.

26 (iii) At least three members who are graduates of a public postsecondary  
27 education institution in the state, at least one of whom holds an associate degree from  
28 such an institution, at least one of whom holds a baccalaureate degree from such an

1 institution, and at least one of whom holds a post baccalaureate degree from such an  
2 institution.

3 (iv) At least one member who has five years experience as an executive in  
4 the public sector in the field of economic development or workforce development.

5 (v) At least one member who has at least five years management experience  
6 in the public sector in the field of budget preparation and control or human resources  
7 management.

8 (b) In making his appointments the governor shall ensure that at least seven  
9 members of the board meet the qualifications required by at least one of the Items  
10 in Subparagraph (a) of this Paragraph and that as a whole the members meet the  
11 qualifications for all Items in Subparagraph (a) of this Paragraph.

12 (c) The board should be representative of the state's population by race and  
13 gender to ensure diversity.

14 \* \* \*

15 Section 2. In order to implement the provisions of this Act, the governor shall make  
16 appointments to fill each vacancy that occurs on a board for which member qualifications  
17 are provided in this Act by appointing a member whose qualifications meet the qualifications  
18 specified in this Act and shall continue to fill each vacancy in such manner until the  
19 membership of each board is in compliance with the qualifications required by this Act.  
20 Thereafter, the governor shall make appointments to fill vacancies on such boards so as to  
21 provide for continued compliance with this Act.

22 Section 3. This Act shall take effect and become operative if and when the proposed  
23 amendment of Article VIII of the Constitution of Louisiana contained in the Act which  
24 originated as House Bill No. 365 of this 2016 Regular Session of the Legislature is adopted  
25 at a statewide election and becomes effective.

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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 374 Engrossed

2016 Regular Session

Steve Carter

**Abstract:** Requires certain qualifications for members appointed to the postsecondary education management boards and the Bd. of Regents.

Present constitution and present law create and provide for the membership of the Bd. of Regents and the postsecondary education management boards (La. State University (LSU), Southern University (SU), University of La. (UL) and Community and Technical Colleges (LCTCS)). Provides that each board has 15 members appointed by the governor. Also provides for a student member (two student members for the LCTCS board). Present constitution and present law provide that the Bd. of Regents and the LCTCS board should be representative of the state's population by race and gender to ensure diversity, but otherwise present constitution provides no qualifications for the boards. Present law provides certain qualifications for the LCTCS board (see below).

Proposed law, relative to the LSU, SU, and UL boards of supervisors and the Bd. of Regents, requires the governor, in making his appointments, to ensure that the board membership includes the following members with the qualifications specified:

- (1) At least one member with at least five years experience as the chief executive officer, chief financial officer, or equivalent leadership officer of a large corporation or company within one of the largest manufacturing or business components of the state's economy, such as construction, utilities, chemical manufacturing or processing, oil and gas, other manufacturing, banking, or finance.
- (2) At least one member who holds a Master of Business Administration degree or has had at least 15 years of management experience in private business or industry.
- (3) At least three members who are graduates of an institution within the respective university system.
- (4) At least one member who has five years experience as an executive in the public sector in the field of economic development or workforce development.
- (5) At least one member who has at least five years management experience in the public sector in the field of budget preparation and control or human resources management.

Proposed law, relative to the LSU, SU, and UL boards of supervisors, requires that the governor ensure that at least seven members of the board meet the qualifications required by at least one of the items above and that as a whole the members meet the qualifications for all items.

Proposed law also provides, relative to the LSU and UL boards of supervisors, that the board should be representative of the state's population by race and gender to ensure diversity. Retains the same provision in present law relative to the Bd. of Regents.

Present law, relative to the LCTCS board, provides that the governor shall appoint:

- (1) One member from among three persons nominated by the La. AFL-CIO.



- (2) One member from among three persons nominated by the La. Assoc. of Business and Industry (LABI).
- (3) Two members from among six persons nominated by the State Bd. of Elementary and Secondary Education (BESE).

Proposed law, relative to the LCTCS board, retains present law appointment from AFL-CIO nominees and removes appointments from BESE nominees and LABI nominees and also requires that the governor appoint:

- (1) At least one member with at least five years experience as the chief executive officer, chief financial officer, or equivalent leadership officer of a large corporation or company within one of the largest manufacturing or business components of the state's economy, such as construction, utilities, chemical manufacturing or processing, oil and gas, other manufacturing, banking, or finance.
- (2) One member who has at least two years experience as the chief executive officer, chief financial officer, or equivalent leadership officer of a corporation or company engaged in one of Louisiana's three largest emerging industries or business activities as determined by the Dept. of Economic Development.
- (3) One member who holds a Master of Business Administration degree or has had at least fifteen years of management experience in private business or industry.
- (4) One member who has five years experience as an executive in the public sector in the field of economic development or workforce development.
- (5) One member who has at least five years management experience in the public sector in the field of budget preparation and control or human resources management.

Proposed law requires that the governor ensure that at least seven members of the board meet the qualifications required by at least one of the items above and that as a whole the members meet the qualifications for all items.

Proposed law retains present law that requires that at least six members of the LCTCS board have significant experience in vocational education and that the board should be representative of the state's population by race and gender to ensure diversity.

Proposed law requires the governor to make appointments to fill each vacancy that occurs on a board by appointing a member whose qualifications meet the qualifications specified in proposed law and continue to fill each vacancy in such manner until the membership of each board is in compliance with the qualifications required in proposed law. Requires the governor to make appointments thereafter to provide for continued compliance with proposed law.

Effective if and when the proposed constitutional amendment contained in House Bill No. 365 of this 2016 R.S. of the Legislature is adopted at a statewide election and becomes effective.

(Amends R.S. 17:1453(A), 1831(B), 1851(B), 1871(A)(1), and 3121(B))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Delete proposed law requirement that each board have one member appointed from nominees recommended to the governor jointly by the Council for a Better La., the Public Affairs Research Council, and the La. Assoc. of Business and Industry.