

1 (A) A person who has served as a member of any one or more of the
2 following boards or commissions for more than two and one-half terms in three
3 consecutive terms combined shall not serve as a member of any of the following
4 boards or commissions for a period of at least two years after the completion of such
5 consecutive terms of service:

- 6 (1) The Public Service Commission.
- 7 (2) The State Board of Elementary and Secondary Education.
- 8 (3) The ~~Board of Regents~~ **Board of Trustees for Postsecondary Education**.
- 9 (4) ~~The Board of Supervisors for the University of Louisiana System.~~
- 10 (5) ~~The Board of Supervisors of Louisiana State University and Agricultural~~
11 ~~and Mechanical College.~~
- 12 (6) ~~The Board of Supervisors of Southern University and Agricultural and~~
13 ~~Mechanical College.~~
- 14 (7) ~~The Board of Supervisors of Community and Technical Colleges.~~
- 15 (8) The Forestry Commission.
- 16 (9)~~(5)~~ The State Civil Service Commission.
- 17 (10)~~(6)~~ The State Police Commission.

18 * * *

19 Section 2. Be it resolved by the Legislature of Louisiana, two-thirds of the members
20 elected to each house concurring, that there shall be submitted to the electors of the state of
21 Louisiana, for their approval or rejection in the manner provided by law, a proposal to
22 amend Article VII, Sections 10.1(C)(1) and (3) and (D)(1)(introductory paragraph) and
23 10.4(B)(1), (3), and (4) of the Constitution of Louisiana, to read as follows:

24 §10.1. Quality Trust Fund; Education

25 Section 10.1.

26 * * *

27 (C) Reports; Allocation. (1) The State Board of Elementary and Secondary
28 Education and the ~~Board of Regents~~ **Board of Trustees for Postsecondary**
29 **Education** shall annually submit to the legislature and the governor, not less than

1 Partnership Program by the institutions of higher education from private sources.
 2 The state matching portion shall be allocated by the Board of ~~Regents~~ **Trustees** only
 3 after it determines that an eligible institution has accumulated not less than the
 4 minimum required amount from private sources for the purposes of the Higher
 5 Education Louisiana Partnership Program.

6 * * *

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

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

17 * * *

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

22 §5. ~~Board of Regents~~ **Board of Trustees for Postsecondary Education**

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

29 (B)(1) Membership; Terms. The board shall be composed of fifteen members,

1 of whom two members shall be from each congressional district and the remaining
2 member or members shall be from the state at large, **and all of whom shall be**
3 **appointed by the governor, with consent of the Senate, for overlapping terms of six**
4 **years, following initial terms which shall be fixed by law.** The board should be
5 representative of the state's population by race and gender to ensure diversity.

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

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

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

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

29 (1) To revise or eliminate an existing degree program, department of

1 instruction, division, or similar subdivision.

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

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

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

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

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

29 (E) ~~Powers Not Vested. Powers of management over public institutions of~~

1 ~~postsecondary education not specifically vested by this Section in the Board of~~
 2 ~~Regents are reserved to the Board of Supervisors of Louisiana State University and~~
 3 ~~Agricultural and Mechanical College, the Board of Supervisors of Southern~~
 4 ~~University and Agricultural and Mechanical College, the Board of Trustees for State~~
 5 ~~Colleges and Universities, the Board of Supervisors of Community and Technical~~
 6 ~~Colleges, and any other such board created pursuant to this Article, as to the~~
 7 ~~institutions under the control of each. Appropriations. Appropriations for the~~
 8 ~~institutions of public postsecondary education and for all other public~~
 9 ~~postsecondary education purposes shall be made to and administered by the~~
 10 ~~Board of Trustees and shall be used solely as provided by law.~~

11 * * *

12 §16. Public Hospitals

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

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

PART IV

§41. Board of Trustees for Postsecondary Education; Implementation

(A) On January 1, 2018, 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, the Board of Supervisors for the University of Louisiana System, and the Board of Supervisors of Community and Technical Colleges are abolished and on that date, except as inconsistent with the amendment creating the Board of Trustees for Postsecondary Education, referred to in this Section as the "Board of Trustees", the Board of Trustees is created and the powers, duties, functions, and responsibilities of such abolished boards are transferred to the Board of Trustees.

(B) 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, the Board of Supervisors for the University of Louisiana System, and the Board of Supervisors of Community and Technical Colleges shall take such action prior to January 1, 2018, to provide for implementation of the Board of Trustees on that date. The governor shall appoint the initial members of the Board of Trustees not later than March 1, 2017, and such members shall take such actions as authorized by law to provide for implementation of the Board of Trustees on January 1, 2018. In making initial appointments, the governor shall designate the expiration date of the term to which each initial member is appointed. The designations shall be made in such manner as to cause the terms of five initial members to expire in 2019, five in 2021, and five in 2023.

(C) The legislature shall provide by law, not inconsistent with the constitutional amendment creating the Board of Trustees, for the implementation of such amendment and for the transfer of such powers, duties, functions, and 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 Board of Trustees
17 for Postsecondary Education as a single governing board for public
18 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)

23 (Amends Article IV, Section 22(A), Article VII, Sections 10.1(C)(1) and (3)
24 and (D)(1)(introductory paragraph) and 10.4(B)(1), (3), and (4), and Article
25 VIII, Sections 5 and 16; adds Article XIV, Section 41; repeals Article VIII,
26 Sections 6, 7, 7.1, 8(B) and (D), and 12)

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl Serrett.

DIGEST

SB 67 Original 2016 Regular Session Appel

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 postsecondary management boards and creates the Board of Trustees for Postsecondary Education. 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 Board of 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, Sec. 22(A), Art. VII, Sec.10.1(C)(1) and (3) and (D)(1)(intro para) and 10.4(B)(1), (3), and (4), and Art. VIII, Sec. 5 and 16; adds Const. Art. XIV, Sec. 41; repeals Const. Art. VIII, Sec. 6, 7, 7.1, 8(B) and (D), and 12)