

Regular Session, 2010

HOUSE BILL NO. 1492 (Substitute for House Bill No. 996 by Representative Tucker)

BY REPRESENTATIVE TUCKER

HIGHER EDUCATION: (Constitutional Amendment) Provides relative to the governance of public postsecondary education

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

A JOINT RESOLUTION

Proposing to amend Article VIII, Section 5(E) and to add Article VIII, Section 5(D)(6) of the Constitution of Louisiana, to provide relative to the governance of public postsecondary education; to provide for the powers of the Board of Regents and the postsecondary education management boards; to provide for submission of the proposed amendment to the electors; 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 VIII, Section 5(E) and to add Article VIII, Section 5(D)(6) of the Constitution of Louisiana, to read as follows:

§5. Board of Regents

Section 5.

* * *

(D) Powers. The Board of Regents shall 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.

The Board of Regents shall have the following powers, duties, and responsibilities relating to public institutions of postsecondary education:

* * *

1 (6) To adopt any policy that it deems necessary or appropriate to govern
2 postsecondary education in the state.

3 (E) Powers Not Vested. ~~Powers~~ Subject to policies adopted by the Board of
4 Regents, powers of management over public institutions of postsecondary education
5 not specifically vested by this Section in the Board of Regents are reserved to the
6 Board of Supervisors of Louisiana State University and Agricultural and Mechanical
7 College, the Board of Supervisors of Southern University and Agricultural and
8 Mechanical College, the ~~Board of Trustees for State Colleges and Universities~~ Board
9 of Supervisors for the University of Louisiana System, the Board of Supervisors of
10 Community and Technical Colleges, and any other such board created pursuant to
11 this Article, as to the institutions under the control of each.

12 Section 2. Be it further resolved that this proposed amendment shall be submitted
13 to the electors of the state of Louisiana at the statewide election to be held on November 2,
14 2010.

15 Section 3. Be it further resolved that on the official ballot to be used at said election
16 there shall be printed a proposition, upon which the electors of the state shall be permitted
17 to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall
18 read as follows:

19 To authorize the Board of Regents to adopt polices to govern postsecondary
20 education and to provide that the postsecondary education management
21 boards' powers to manage their institutions are subject to these policies.

22 (Amends Article VIII, Section 5(E); Adds Article VIII, Section 5(D)(6))

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)]

Tucker

HB No. 1492

Abstract: Authorizes the Board of Regents to adopt any policy necessary or appropriate to support and promote postsecondary education and provides that the management boards' exercise of their reserved powers are subject to such Board of Regents polices.

Present constitution establishes the Board of Regents to plan, coordinate, and have budgetary responsibility for all public postsecondary education. Further provides that the board has the following powers, duties, and responsibilities:

- (1) To approve, modify, revise, or eliminate any degree program, department of instruction, division, or similar subdivision.
- (2) To study the need for and feasibility of creating a new institution, establishing a new management board, and transferring a college or university from one board to another.
- (3) To formulate and make timely revision of a master plan, which at a minimum shall include a formula for equitable distribution of funds to the institutions of postsecondary education.
- (4) To require that every postsecondary education board submit to it an annual budget proposal for operational needs and for capital needs of each institution.

Proposed constitutional amendment retains present constitution and provides that the Board of Regents shall adopt any policy that it deems necessary or appropriate to govern postsecondary education in the state.

Present constitution 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 of certain "four-year" colleges and universities and, in the case of the LSU and SU boards, statewide agricultural programs and other programs administered through their systems. Present constitution creates and provides for the Board of Supervisors of Community and Technical Colleges, which is the management board for two-year colleges. Proposed constitutional amendment retains present constitution.

Present constitution provides that powers of management over public institutions of postsecondary education not specifically vested by present constitution in the Board of Regents are reserved to the management boards.

Proposed constitutional amendment provides that the exercise of such reserved powers are subject to policies adopted by the Board of Regents.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 2, 2010.

(Amends Const. Art. VIII, §5(E); Adds Art. VIII, §5(D)(6))