Regular Session, 2011

HOUSE BILL NO. 99

BY REPRESENTATIVE BARROW

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HIGHER ED/BD REGENTS: (Constitutional Amendment) Makes mandatory the provision for diversity in appointments to the Board of Regents

1	A JOINT RESOLUTION
2	Proposing to amend Article VIII, Section 5(B) of the Constitution of Louisiana, to provide
3	relative to the membership of the Board of Regents; to make mandatory the
4	provision for diversity in board appointments; to provide for implementation; to
5	provide for submission of the proposed amendment to the electors; and to provide
6	for related matters.
7	Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
8	elected to each house concurring, that there shall be submitted to the electors of the state of
9	Louisiana, for their approval or rejection in the manner provided by law, a proposal to
10	amend Article VIII, Section 5(B) of the Constitution of Louisiana, to read as follows:
11	§5. Board of Regents
12	Section 5.
13	* * *
14	(B)(1) Membership; Terms. (a) The board shall be composed of two
15	members from each congressional district and one from the state at large appointed
16	by the governor, with consent of the Senate, for overlapping terms of six years,
17	following initial terms which shall be fixed by law. The board should shall be
18	representative of the state's population by race and gender to ensure diversity.
19	(b) The governor shall ensure that the requirement of this Paragraph for
20	diversity of board membership is implemented. The governor shall determine the

Page 1 of 3

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	changes in board membership necessary to implement the requirement; he shall
2	identify those board members who shall be replaced and designate the date of
3	replacement which shall be not later than sixty days after the requirement becomes
4	effective. The service of such members shall end on that date. The governor shall
5	appoint new board members to the vacancies thus created so as to provide the
6	required diversity in board membership, and each such appointee shall serve for the
7	remainder of term of the member replaced.
8	(2) No person who has served as a member of the board for more than two
9	and one-half terms in three consecutive terms shall be appointed to the board for the
10	succeeding term. This Subparagraph shall not apply to any person appointed to the
11	board prior to the effective date of this Subparagraph December 8, 2008, except that
12	it shall apply to any term of service of any such person that begins after such date.
13	* * *
14	Section 2. Be it further resolved that this proposed amendment shall be submitted
15	to the electors of the state of Louisiana at the statewide election to be held on October 22,
16	2011.
17	Section 3. Be it further resolved that on the official ballot to be used at said election
18	there shall be printed a proposition, upon which the electors of the state shall be permitted
19	to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall
20	read as follows:
21	To make mandatory the provision that the Board of Regents be representative
22	of the state's population by race and gender to ensure diversity and to require
23	the governor to implement this requirement within sixty days by replacing
24	such board members as necessary to provide the required diversity. (Amends
25	Article VIII, Section 5(B))

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)]

Barrow

HB No. 99

Abstract: Relative to the Board of Regents, changes "should" to "shall", making mandatory the language providing for the board to be representative of the state's population by race and gender to ensure diversity. Requires the governor to implement this requirement by replacing such board members as necessary to provide the required diversity.

<u>Present constitution</u> provides that the Board of Regents is composed of two members from each congressional district and one from the state at large appointed by the governor, with Senate consent. Provides that the board should be representative of the state's population by race and gender to ensure diversity.

<u>Proposed constitution</u> retains <u>present constitution</u> except changes "should" to "shall", making mandatory the language providing for the board to be representative of the state's population by race and gender to ensure diversity. Requires the governor to implement the requirement. Requires him to determine necessary changes in board membership and identify members to be replaced and the date of replacement (which shall be not later than 60 days after the requirement becomes effective). Provides that the service of such members ends on that date. Requires the governor fill the vacancies thus created so as to provide the required diversity and provides that each such appointee shall serve for the remainder of term of the member replaced.

<u>Present constitution</u> provides that members serve overlapping six-year terms and also provides for term limits by prohibiting appointment to the succeeding term of a member who has served two and one-half terms in three consecutive terms. Excludes from term limits a member appointed to the board prior to the effective date of the term limits amendment. <u>Proposed constitution</u> retains <u>present constitution</u> but substitutes the date the term limit amendment became effective (Dec. 8, 2008) for language referring to that date.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Oct. 22, 2011.

(Amends Const. Art. VIII, §5(B))