

Present constitution establishes and provides for three higher education management boards subject to the coordinating, planning, and budgetary powers of the Board of Regents among which the management of all institutions of higher education, including all two-year colleges are divided. Provides that programs of vocational-technical training are under the supervision and control of the State Board of Elementary and Secondary Education (BESE).

Proposed constitutional amendment adopted by the legislature at the 1997 Regular Session which is to be proposed for approval by the electorate at the 1998 congressional primary election authorizes the legislature to provide by law for the creation, governance, management, and control of a community college system composed of public two-year higher education institutions and for the transfer by law of the supervision and control of two-year higher education institutions and programs from the three higher education management boards to any one of the three higher education management boards. Provides that prior to enacting legislation creating such a community college system, the 1997 proposed constitutional amendment, requires that the legislature first adopt by resolution a proposed plan for such a system. Requires that the adopted plan shall be submitted to the Board of Regents for the board's review and comment. Provides that the review include appropriate involvement by and consultation with the higher education management boards. Requires the Board of Regents to report its written findings and recommendations to the legislature within one year. Specifies that only after the report has been filed, or after one year if no report is filed, may legislation be enacted to create a community college system.

Proposed constitutional amendment (SB No. 1) establishes and provides for the Board of Supervisors of Technical and Community Colleges to manage the La. Technical and Community College System, subject to the planning, coordinating, and budgeting responsibility of the Board of Regents. Provides that the system shall include 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 and that such programs and institutions shall be supervised and managed by the board. Specifies that the system shall be comprised of two divisions as follows:

- (1) The vocational-technical division which shall include all public institutions which exclusively or predominantly provide programs of postsecondary vocational-technical education and which offer applied associate degrees.
- (2) The community college division which shall include those institutions of higher education in the system which offer associate degrees but not baccalaureate degrees.

Expands present constitution authority of the Board of Regents from higher education institutions to all institutions of postsecondary education, including the authority regarding the formulation and adoption of a master plan and the consideration of budgets.

Present constitution specifies that powers over management of public higher education institutions not vested by the Board of Regents are reserved to the LSU Board of Supervisors, the SU Board of Supervisors, the Board of

Trustees, and any other board created pursuant to Article VIII of the Constitution of Louisiana.

Proposed constitutional amendment retains present constitution except changes reference to public institutions of higher education to public institutions of postsecondary education and includes the Board of Supervisors of Technical and Community Colleges in list of boards.

Present constitution provides that the Board of Regents shall study the need for any new institution of postsecondary education including branches of institutions and conversion of two-year institutions to institutions offering longer courses of study. Requires that if a new institution is created, if another management board is added, or if an existing institution is transferred, the Board of Regents shall report its study findings to the legislature within one year. Specifies that only after the report has been filed may the legislature take action and then only by two-thirds vote of the elected members of both houses.

Proposed constitutional amendment provides instead that the Board of Regents shall study the need for the creation of any new institution of postsecondary education including establishing branches, converting any nondegree granting institution to an institution which grants degrees, converting any college or university which is limited to offering degrees of lower rank than baccalaureate to one that offers baccalaureate degrees, merging any postsecondary institution into any other postsecondary institution, establishing a new management board, or transferring a college or university from one board to another. Requires the Board of Regents to report its findings to the legislature within one year and specifies that only after the filing of such report or after one year from the receipt of a request for a report from the legislature, if no report is filed, may the legislature take action and then only by two-thirds vote of the elected members of both houses.

Deletes the authority of BESE over programs of vocational-technical training schools. Assigns public institutions exclusively or predominantly offering programs of postsecondary vocational-technical training to the new system and specifies that such institutions may not be transferred from such system.

Specifies that any nondegree program offered under the management and supervision of the Board of Supervisors of Technical and Community Colleges requires no approval beyond such board.

Proposed constitutional amendment provides for the board to be composed of 15 members appointed by the governor as provided by law and subject to Senate confirmation. Specifies that the governor shall select and appoint at least nine of the members. Provides that in addition, the board shall have one or two student members as provided by law. Permits members of certain other statewide educational boards to serve on the board, provided that such members shall not exceed six in number and shall be selected by the respective board and appointed by the governor but serve at the pleasure of the selecting board. Specifies that of those members selected and appointed by the governor, at least one and no more than two shall be from each congressional district and they shall serve overlapping terms of six years, except that terms of initial members shall be provided by law. Provides for the filling of vacancies. Provides that the board should be representative of the state's population by race and gender.

Requires that appropriations from the state general fund for each institution managed in 1998 by the LSU board, the SU board, and the Trustees for the

1999-2000, 2000-2001, and 2001-2002 fiscal years shall be no less than such appropriations for the respective institution in FY 1998-1999. Relative to vocational-technical education, provides for the same appropriation minimum but applies such minimum to the total appropriations for all postsecondary vocational-technical education. Provides that these proposed constitutional amendment provisions (relative to transitional funding) shall be null and void for any fiscal year in which state general fund revenues are less than the state general fund revenues of fiscal year 1998-1999 as determined by the Revenue Estimating Conference.

Prohibits any action from being taken as a result or by reason of the transfer of any institution of higher education to the Louisiana Technical and Community College System that will affect the mission or adversely affect accreditation of any such institution.

Present constitution provides for the allocation and disbursement of money for educational purposes by the Board of Regents and BESE out of monies appropriated by the legislature from the Louisiana Quality Education Support Fund "8(g)". Specifies that the Board of Regents shall allocate the monies for higher educational purposes and that BESE shall allocate the monies for elementary and secondary and vocational-technical educational purposes. Further specifies that one of the purposes for which the Board of Regents may allocate such money is to enhance the quality of academic, research, or agricultural departments or units within a university and prohibits these funds from being used for athletic purposes. Also prohibits the displacement, replacement, or supplanting of such funds for elementary and secondary, higher, or vocational-technical education.

Proposed constitutional amendment retains present constitution except deletes vocational-technical education as one of the purposes for allocation and disbursement of monies by BESE and deletes references to vocational-technical education relative to displacement, replacement, and supplanting of funds. Adds "community college" and "college" to purpose regarding enhancement of academic, research, or agricultural departments or units.

Provides that the proposed constitutional amendment adopted by the legislature at the 1997 Regular Session which is to be proposed for approval by the electorate at the 1998 congressional primary election is repealed and the proposition withdrawn from such election.

Provides that upon approval by the electorate the proposal is effective for all purposes 20 days after proclamation of the adoption of such amendment by the electorate, except the actual transfer of authority over the constituent institutions. Provides that the actual transfer of jurisdiction over the constituent institutions and programs shall be effective July 1, 1999.

Specifies submission of the amendment to the voters at the congressional primary election in 1998.

(Adds Const. Art. VIII, Sec. 7.1; amends Const. Art. VII, Sec. 10.1 (C)(2) through (4), (D)(1) intro para, (D)(1)(c), (D)(2) intro para, and (D)(2)(a) and (c), and Art. VIII, Sec. 3(A), 5(A), (D) intro para, (D)(3), (4), and (5), and (E))

## Summary of Amendments Adopted by Senate

### Committee Amendments Proposed by Senate Committee on Education to the original bill.

1. Requires rather than authorizes the creation of separate divisions for postsecondary vocational-technical training and institutions of higher education.
2. Deletes elimination of the present constitution requirement for a Board of Regents study or the passage of one year and a vote by 2/3rds of the elected members of both houses in order to transfer colleges and universities from one management board to another and to establish a new management board.
3. Establishes a requirement for a Board of Regents study or the passage of one year and a vote of 2/3rds of both houses to merge any institution of postsecondary education into any institution of postsecondary education.
4. Specifies that the establishment of a new institution of postsecondary education includes converting any nondegree granting institution to a degree-granting one or converting any associate degree only college to one that offers baccalaureate degrees.

### Senate of Floor Amendments to the engrossed bill

1. Revises board membership to two members from each congressional district and one at large appointed by the governor and one student as provided by law.
2. Eliminates all authority for board members to be selected by other boards pursuant to law or as provided by law.
3. Specifies that the board be representative of the state's population by race and gender.
4. Includes vocational-technical skill training improvement among those purposes for which the Board of Regents may allocate 8(g) money.
5. Adds a provision to the guarantee of the 1998-1999 base of funding for all of vo-tech that the guarantee holds only if the 1998-1999 amount of state general fund revenues are maintained at the 1998-1999 level.

## Summary of Amendments Adopted by House

### Committee Amendments Proposed by House Committee on Education to the reengrossed bill.

1. Deletes vocational-technical education as one of the purposes for allocation and disbursement of "8(g)" monies (Reengrossed bill included vocational-education with the higher education portion of 8(g) monies and removed it from the BESE portion). Also deletes references to vocational-technical education

relative to displacement, replacement, and supplanting of funds with such monies.

2. Adds "community college" and "college" to purpose (for which the Board of Regents can allocate "8(g)" monies) relative to the enhancement of academic, research, or agricultural departments or units.
3. Specifies the divisions of the Louisiana Technical and Community College System as follows:
  - (a) Vocational-technical division shall include all public institutions which exclusively or predominantly provide programs of postsecondary vocational-technical education and offer applied associate degrees.
  - (b) Community college division shall include those institutions of higher education in the system which offer associate degrees but not baccalaureate degrees.
4. Changes proposed membership of the Board of Supervisors of Technical and Community Colleges from two members from each congressional district and one from the state at large appointed by the governor, subject to Senate confirmation and one student as provided by law to 15 members appointed by the governor as provided by law and subject to Senate confirmation and one or two student members as provided by law.
5. Specifies that the governor shall select and appoint at least nine of the members and of those members at least one but no more than two shall be from each congressional district and they shall serve overlapping terms of six years, except terms of initial members shall be provided by law.
6. Permits members of certain other statewide educational boards to serve on the board, not to exceed six. Requires that such members be selected by the respective board and appointed by the governor, but serve at the pleasure of the selecting board.
7. Relative to transitional funding, changes proposed provision that state general fund (SGF) appropriations for FY's 1999-2000, 2000-2001, 2001-2002 for institutions of higher education supervised and managed in 1998 by the higher education management boards shall be no less than SGF appropriations for the same institutions in FY 1998-1999 regardless of their management board and provides instead that SGF appropriations for those three fiscal years to each institution under one of the three management boards in 1998 shall not be less than SGF appropriations for the respective institution in FY 1998-1999 regardless of its management board.
8. Relative to the transitional funding, makes the proposed constitutional amendment provision that the requirement for transitional funding for vocational-technical education shall be null and void for any fiscal year in which state general fund (SGF) revenues are less than SGF revenues of fiscal year 1998-1999 as determined by the Revenue Estimating Conference also

applicable to the transitional funding provisions for higher education.

9. Prohibits any action from being taken as a result of or by reason of the transfer of any institution of higher education to the Louisiana Technical and Community College System that will affect the mission or adversely affect accreditation of any such institution.