

First Extraordinary Session, 1998

SENATE BILL NO. 1

BY SENATORS DARDENNE, EWING, HAINKEL, BARHAM, ROMERO,
BRANCH, CASANOVA, GREENE, SHORT AND
THEUNISSEN AND REPRESENTATIVES DOWNER,
DEWITT, LEBLANC, MCMAINS, AND MACDONALD

HIGHER EDUCATION. Constitutional amendment to create and provide for
the La. Technical and Community College System and its management board.

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A JOINT RESOLUTION

Proposing to amend Article VII, Section 10.1(C)(2) and (3), the introductory
paragraph of (D)(1), (D)(1)(c), the introductory paragraph of (D)(2),
and (D)(2)(a) and (c), and Article VIII, Section 3(A), 5(A), the
introductory paragraph of (D), (D)(3), (4), and (5), and (E) and 8(B)
and to add Article VIII, Section 7.1, all of the Constitution of
Louisiana, relative to providing for the governance and management of
education; to create and provide for the Louisiana Technical and
Community College System; to create and provide for the Board of
Supervisors of Technical and Community Colleges as a fifteen member
management board for the system subject to the planning, coordinating,
and budgeting responsibility of the Board of Regents; to provide for
fifteen members to be appointed by the governor; to provide relative to
the consent of the Senate and the terms of members; to authorize the
selection of members of certain education boards as provided by law;
to provide for student membership on the board; to empower the board

1 with supervision and management of all public postsecondary
2 vocational-technical education programs and institutions of higher
3 education awarding certain types of degrees as assigned by law; to
4 require divisions within the Louisiana Technical and Community
5 College System; to revise the powers and duties of the Board of
6 Regents to extend its authority over postsecondary education; to revise
7 certain references; to provide with regard to the requirements to create
8 a new institution of postsecondary education, transfer an institution of
9 higher education from one management board to another, merge any
10 postsecondary institution into any other postsecondary institution, or
11 establish a new management board; to temporarily require certain
12 minimum funding for postsecondary institutions; to provide relative to
13 the authorization to allocate money appropriated out of the Louisiana
14 Quality Education Support Fund for postsecondary educational
15 purposes; to provide for the effectiveness of the proposal if approved
16 by the electorate; and to specify an election for submission of the
17 proposition to electors and provide a ballot proposition.

18 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of
19 the members elected to each house concurring, that there shall be submitted
20 to the electors of the state, for their approval or rejection in the manner
21 provided by law, a proposal to amend Article VII, Section 10.1(C)(2) and (3),
22 the introductory paragraph of (D)(1), (D)(1)(c), the introductory paragraph of
23 (D)(2), and (D)(2)(a) and (c), Article VIII, Section 3(A), 5(A), the introductory
24 paragraph of (D), (D)(3), (4), and (5), and (E) and 8(B) and to add Article
25 VIII, Section 7.1 of the Constitution of Louisiana, to read as follows:

26 ARTICLE VII

27 §10.1. Quality Trust Fund; Education

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Section 10.1.

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(C) Reports; Allocation.

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(2) Except for appropriations to pay expenses incurred in the investment and management of the Permanent Trust Fund, the legislature shall appropriate from the Support Fund only for educational purposes provided in Paragraph (D) of this Section and shall appropriate fifty percent of the available funds for ~~higher~~ **postsecondary** educational purposes and fifty percent for elementary and secondary ~~and vocational-technical~~ educational purposes. Those monies to be used for administrative costs shall be expended for such purposes only if so approved and appropriated by the legislature.

(3) The legislature shall appropriate the total amount intended for ~~higher~~ **postsecondary** educational purposes to the Board of Regents and the total amount intended for elementary; **and** secondary ~~and vocational-technical~~ educational purposes to the State Board of Elementary and Secondary Education which boards shall allocate the monies so appropriated to the programs as previously approved by the legislature.

* * *

(D) Disbursement; ~~higher~~ **postsecondary** education; **and** elementary and secondary education; ~~and vocational-technical education.~~ (1) The treasurer shall disburse not more than fifty percent of the monies in the Support Fund as that money is appropriated by the legislature and allocated by the Board of Regents for any or all of the following ~~higher~~ **postsecondary** educational purposes to enhance

1 economic development:

2 * * *

3 (c) The enhancement of the quality of academic, research or
4 agricultural departments or units within a postsecondary vocational-
5 technical school, college, or university. These funds shall not be used
6 for athletic purposes or programs.

7 * * *

8 (2) The treasurer shall disburse not more than fifty percent of the
9 monies in the Support Fund as that money is appropriated by the
10 legislature and allocated by the State Board of Elementary and
11 Secondary Education for any or all of the following elementary; **and**
12 secondary; ~~or vocational-technical~~ educational purposes:

13 (a) To provide compensation to city or parish school board ~~or~~
14 ~~postsecondary—vocational-technical~~ professional instructional
15 employees.

16 * * *

17 (c) To fund exemplary programs in elementary; **and** secondary;
18 ~~or vocational-technical~~ schools designed to improve elementary; **or**
19 secondary ~~or vocational-technical~~ student academic achievement or
20 vocational-technical skill.

21 * * *

22 ARTICLE VIII

23 §3. State Board of Elementary and Secondary Education

24 Section 3. (A) Creation; Functions. The State Board of
25 Elementary and Secondary Education is created as a body corporate.
26 It shall supervise and control the public elementary and secondary
27 schools; ~~vocational- technical training~~ and special schools under its

1 jurisdiction and shall have budgetary responsibility for all funds
 2 appropriated or allocated by the state for those schools, all as provided
 3 by law. The board shall have other powers, duties, and responsibilities
 4 as provided by this constitution or by law, but shall have no control
 5 over the business affairs of a parish or city school board or the selection
 6 or removal of its officers and employees.

7 * * *

8 §5. Board of Regents

9 Section 5. (A) Creation; Functions. The Board of Regents is
 10 created as a body corporate. It shall plan, coordinate, and have
 11 budgetary responsibility for all public ~~higher~~ **postsecondary** education
 12 and shall have other powers, duties, and responsibilities provided in
 13 this Section or by law.

14 * * *

15 (D) Powers. The Board of Regents shall meet with the State
 16 Board of Elementary and Secondary Education at least twice a year to
 17 coordinate programs of public elementary, secondary, vocational-
 18 technical, career, and higher education. The Board of Regents shall
 19 have the following powers, duties, and responsibilities relating to
 20 public institutions of ~~higher~~ **postsecondary** education:

21 * * *

22 (3)**(a)** To study the need for and feasibility of ~~any~~ **creating a**
 23 ~~new institution of postsecondary education, including branches of~~
 24 ~~institutions and conversion of two-year institutions to institutions~~
 25 ~~offering longer courses of study~~ **which includes establishing a branch**
 26 **of such an institution or converting any non-degree granting**
 27 **institution to an institution which grants degrees or converting any**

1 college or university which is limited to offering degrees of a lower
2 rank than baccalaureate to a college or university that offers
3 baccalaureate degrees or merging any institution of postsecondary
4 education into any other institution of postsecondary education,
5 establishing a new management board, and transferring a college or
6 university from one board to another.

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

16 (4) To formulate and make timely revision of a master plan for
17 higher postsecondary education. As a minimum, the plan shall include
18 a formula for equitable distribution of funds to the institutions of higher
19 postsecondary education.

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

27 (E) Powers Not Vested. Powers of management over public

1 institutions of ~~higher~~ postsecondary education not specifically vested
 2 by this Section in the Board of Regents are reserved to the Board of
 3 Supervisors of Louisiana State University and Agricultural and
 4 Mechanical College, the Board of Supervisors of Southern University
 5 and Agricultural and Mechanical College, the Board of Trustees for
 6 State Colleges and Universities, the Board of Supervisors of
 7 Technical and Community Colleges, and any other such board created
 8 pursuant to this Article, as to the institutions under the control of each.

9 * * *

10 §7.1. Board of Supervisors of Technical and Community Colleges

11 Article VIII, Section 7.1 is all proposed new law.

12 Section 7.1. (A) Creation; Powers; Institutions; Divisions. (1)

13 The Board of Supervisors of Technical and Community Colleges is
 14 created as a body corporate to manage the Louisiana Technical and
 15 Community College System subject to powers vested by this Article in
 16 the Board of Regents. The system shall be comprised of divisions
 17 within which all programs of public postsecondary vocational-technical
 18 training, and, as provided by law, institutions of higher education
 19 which offer associate degrees but not baccalaureate degrees shall be
 20 supervised and managed by the board.

21 (2) All public institutions which exclusively or predominately
 22 provide programs of postsecondary vocational-technical education shall
 23 be under the jurisdiction of the Board of Supervisors of Technical and
 24 Community Colleges. Such institutions may not be transferred from the
 25 Louisiana Technical and Community College System.

26 (3) The provision of any program subject to the supervision and
 27 management of and offered at any institution under the jurisdiction of

1 the Board of Supervisors of Community and Technical Colleges which
2 is not a degree program shall require no approval beyond that of the
3 Board of Community and Technical Colleges.

4 (B) Membership; Terms; Initial Membership and Terms. The
5 board shall be composed of fifteen members appointed by the governor,
6 as provided by law, provided that the governor shall select as well as
7 appoint no fewer than nine of the members. All members selected and
8 appointed by the governor shall be appointed with the consent of the
9 Senate. Members of other statewide educational boards created by this
10 Article may serve as members of this board, as provided by law,
11 provided that members selected by such educational boards and
12 appointed by the governor shall not exceed six in number and shall
13 serve at the pleasure of the selecting board. Of those members selected
14 and appointed by the governor, there shall be not less than one nor
15 more than three members from each congressional district. The
16 members selected and appointed by the governor shall serve
17 overlapping terms of six years, except that the initial members shall
18 serve terms as provided by law.

19 (C) Vacancy. A vacancy occurring prior to the expiration of a
20 term of a member selected and appointed by the governor shall be filled
21 for the remainder of the unexpired term by appointment by the
22 governor, with consent of the Senate. Any other vacancy shall be filled
23 as provided by law.

24 (D) Transitional Funding. Appropriations annually from the state
25 general fund for Fiscal Years 1999-2000, 2000-2001, and 2001-2002,
26 for those institutions of higher education supervised and managed in
27 1998 by the Board of Supervisors of Louisiana State University and

1 Agricultural and Mechanical College, the Board of Supervisors of
 2 Southern University and Agricultural and Mechanical College, and the
 3 Board of Trustees for State Colleges and Universities shall be no less
 4 than the appropriations from the state general fund for those same
 5 institutions of higher education regardless of their management board
 6 in Fiscal Year 1998-1999. Total appropriations annually from the state
 7 general fund for Fiscal Years 1999-2000, 2000-2001, and 2001-2002,
 8 for postsecondary vocational-technical education shall be no less than
 9 the total of all appropriations for such purpose from the state general
 10 fund for Fiscal Year 1998-1999.

11 * * *

12 §8. Boards; Membership; Compensation

13 * * *

14 (B) Student Membership. The legislature may provide for the
 15 membership of one student on the boards created by Sections 5, 6 ~~and,~~
 16 7, and 7.1 of this Article. The term of a student member shall not
 17 exceed one year, and no student member shall be eligible to succeed
 18 himself. A student member shall have all of the privileges and rights
 19 of other board members.

20 * * *

21 Section 2. Be it further resolved that Act No. 1497 of the 1997 Regular
 22 Session is hereby repealed, the amendment to the constitution proposed in
 23 such Act is hereby withdrawn, and the secretary of state is hereby ordered not
 24 to include the proposition contained in that Act on the ballot for the 1998
 25 congressional primary election.

26 Section 3. Be it further resolved that this proposed amendment shall be
 27 submitted to the electors of the state at the congressional primary election to

1 be held in 1998.

2 Section 4. Be it further resolved that on the official ballot to be used
3 at the election there shall be printed a proposition, upon which the electors of
4 the state shall be permitted to vote FOR or AGAINST, to amend the
5 Constitution of Louisiana, which proposition shall read as follows:

6 To create the Louisiana Technical and Community College
7 System and the Board of Supervisors of Technical and
8 Community Colleges to manage the system; to provide for the
9 board as a fifteen member management board subject to the
10 planning, coordinating, and budgeting responsibility of the
11 Board of Regents; to provide for appointment of members by
12 the governor; to provide for the consent of the Senate; to
13 provide for terms; to authorize the appointment of a limited
14 number of members of other educational boards, if required by
15 law; to authorize the addition by law of a student member to
16 serve a one year term; to provide that initial board member
17 terms shall be provided by law; to require that the system be
18 composed of divisions within which all public programs of
19 postsecondary vocational-technical education training and, as
20 provided by law, institutions of higher education which offer
21 associate degrees but not baccalaureate degrees are supervised
22 and managed; to require study by the Board of Regents and
23 action by the legislature by two-thirds vote of the elected
24 members of each house to create a new postsecondary
25 institution, to transfer an institution of higher education from
26 one management board to another, to merge any institution of
27 postsecondary education into another institution, or to establish

1 a new management board; to assign and prohibit the transfer of
2 institutions which exclusively or predominately provide
3 programs of postsecondary vocational-technical training from
4 such system; to temporarily require certain minimum funding
5 for all postsecondary institutions; to provide relative to the
6 allocation of monies appropriated out of the Louisiana Quality
7 Education Support Fund for postsecondary vocational-technical
8 educational purposes by the Board of Regents; to repeal a prior
9 adopted proposed constitutional amendment which, if approved
10 by the electorate, would authorize the legislature to provide by
11 law for the creation of a community college system; and, to
12 permit the appointment and organization of the board upon the
13 passage of twenty days after proclamation of the adoption of
14 this amendment, but transfer the authority and jurisdiction over
15 the constituent institutions beginning July 1, 1999. (Adds Article
16 VIII, Sec. 7.1; amends Article VII, Section 10.1 (C)(2) and (3),
17 the introductory paragraph of (D)(1), (D)(1)(c), the introductory
18 paragraph of (D)(2), and (D)(2)(a), and (c) and Article VIII,
19 Section 3(A), 5(A), the introductory paragraph of (D), (D)(3),
20 (4), and (5), and (E) and 8(B))

21 Section 5. Be it further resolved that if approved by the people this
22 proposed amendment shall be effective as provided in Article XIII of this
23 constitution in all respects, except that the actual transfer of institutions and
24 programs over which the Board of Supervisors of Technical and Community
25 Colleges has jurisdiction pursuant to this proposed amendment and any law
26 enacted pursuant to the authority of this proposed amendment shall be
27 effective July 1, 1999.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Diane M. Burkhart.

Dardenne (SB 1)

DIGEST

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.

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 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 be comprised of divisions within which all public programs of postsecondary vocational-technical training, and, as provided by law, institutions of higher education which offer associate degrees but not baccalaureate degrees shall be supervised and managed.

Expands the 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.

Provides that the creation of any new institution of postsecondary education, including establishing branches or converting any nondegree granting institution to an institution which grants degrees or converting any college or university which is limited to offering degrees of lower rank than baccalaureate to one that offers baccalaureate degrees or merging any

postsecondary institution into any other postsecondary institution, establishing a new management board and transferring a college or university from one board to another requires a request for a Board of Regents report, the receipt of the report or the passage of one year, and a 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 predominately 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.

Provides for the board to be composed of fifteen members. Requires members selected and appointed by the governor serve subject to Senate confirmation. Provides for the governor to appoint a limited number of members of other educational boards if required by law. Provides six-year overlapping terms after initial terms as assigned by the governor for members selected and appointed by the governor. Provides that members selected by other boards for appointment by the governor serve at the pleasure of the board. Provides for the filling of vacancies. Authorizes the addition by law of a student member who shall serve a term not to exceed one year.

Requires that appropriations from the state general fund for those institutions managed by the LSU board, the SU board, and the Trustees in 1998 for the 1999-2000, 2000-2001, and 2001-2002 fiscal years shall be no less than such appropriations for those same institutions in FY 1998-1999. Provides for the same appropriation minimums for the total of all postsecondary vocational-technical education.

Proposed constitutional amendment provides for the allocation of money for postsecondary educational purposes by the Board of Regents out of the monies appropriated out of the Louisiana Quality Education Support Fund.

Proposed constitutional amendment 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.

Proposed constitutional amendment 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) and (3), (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) and

8(B))

Summary of Amendments Adopted by SenateCommittee 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.