

First Extraordinary Session, 1998

SENATE BILL NO. 1

BY SENATORS DARDENNE, EWING, HAINKEL, BARHAM, ROMERO, BRANCH, CASANOVA, GREENE, SHORT, THEUNISSEN, BAGNERIS, BEAN, DEAN, DYESS, ELLINGTON, HINES, JORDAN, LAMBERT, SCHEDLER, SMITH AND ULLO AND REPRESENTATIVES DOWNER, LONG, DEWITT, LEBLANC, MCMAINS, MACDONALD, MURRAY, THOMPSON AND SALTER

A JOINT RESOLUTION

Proposing to amend Article VII, Section 10.1(C)(2) through (4), 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), and 5(A), the introductory paragraph of (D), (D)(3), (4), and (5), and (E) 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 Community and Technical College System; to create and provide for the Board of Supervisors of Community and Technical Colleges as a management board for the system subject to the planning, coordinating, and budgeting responsibility of the Board of Regents; to provide for members to be appointed by the governor; to provide relative to the consent of the Senate and the terms of members; to provide for student

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

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, for their approval or rejection in the manner provided by law, a proposal to amend Article VII, Section 10.1(C)(2) through (4), the introductory paragraph of (D)(1), (D)(1)(c), the introductory paragraph of (D)(2), and (D)(2)(a) and (c), Article VIII, Section 3(A), and 5(A), the introductory paragraph of (D), (D)(3), (4), and (5), and (E) and to add Article VIII, Section 7.1 of the Constitution of Louisiana, to read as follows:

ARTICLE VII

§10.1. Quality Trust Fund; Education

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 educational purposes and fifty percent for elementary and secondary 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 educational purposes to the Board of Regents and the total amount intended for elementary and secondary 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.

(4) The monies appropriated by the legislature and disbursed from the Support Fund shall not displace, replace, or supplant appropriations from the general fund for elementary and secondary education, including implementing the Minimum Foundation Program, or displace, replace, or supplant funding for higher education. For elementary and secondary education and for higher education, this Paragraph shall mean that no appropriation for any fiscal year from the Support Fund shall be made for any purpose for which a general fund

appropriation was made in the previous year unless the total appropriations for that fiscal year from the state general fund for such purpose exceed general fund appropriations for the previous year. This Paragraph shall in no way limit general fund appropriations in excess of the minimum amounts herein established.

(D) Disbursement; higher education and elementary and secondary 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 educational purposes to enhance economic development:

* * *

(c) The enhancement of the quality of academic, research, or agricultural departments or units within a community college, college, or university. These funds shall not be used for athletic purposes or programs.

* * *

(2) 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 State Board of Elementary and Secondary Education for any or all of the following elementary and secondary educational purposes:

(a) To provide compensation to city or parish school board professional instructional employees.

* * *

(c) To fund exemplary programs in elementary and secondary schools designed to improve elementary or secondary student academic

achievement or vocational-technical skill.

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ARTICLE VIII

§3. State Board of Elementary and Secondary Education

Section 3. (A) Creation; Functions. The State Board of Elementary and Secondary Education is created as a body corporate. It shall supervise and control the public elementary and secondary schools and special schools under its jurisdiction and shall have budgetary responsibility for all funds appropriated or allocated by the state for those schools, all as provided by law. The board shall have other powers, duties, and responsibilities as provided by this constitution or by law, but shall have no control over the business affairs of a parish or city school board or the selection or removal of its officers and employees.

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§5. Board of Regents

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

* * *

(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:

* * *

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

(b) If the creation of a new institution, the merger of any institutions, the addition of another management board, or the transfer of an existing institution of higher education from one board to another is proposed, the Board of Regents shall report its written findings and recommendations to the legislature within one year. Only after the report has been filed, 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 affirmative action on such a proposal and then only by law enacted by two-thirds of the elected members of each house.

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

(5) To require that every postsecondary education board submit to it, at a time it specifies, an annual budget proposal for operational needs and for capital needs of each institution under the control of each board. The Board of Regents shall submit its budget recommendations

for all institutions of postsecondary education in the state. It shall recommend priorities for capital construction and improvements.

(E) Powers Not Vested. Powers of management over public institutions of postsecondary education not specifically vested by this Section in the Board of Regents are reserved to 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 Trustees for State Colleges and Universities, the Board of Supervisors of Community and Technical Colleges, and any other such board created pursuant to this Article, as to the institutions under the control of each.

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§7.1. Board of Supervisors of Community and Technical Colleges

Section 7.1. (A) Creation; Powers; Institutions; Divisions. (1) The Board of Supervisors of Community and Technical Colleges is created as a body corporate to manage the Louisiana Community and Technical College System subject to powers vested by this Article in the Board of Regents. 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 such programs and institutions shall be supervised and managed by the board. The system shall be comprised of two divisions, the vocational-technical division which shall include all public postsecondary vocational-technical schools and the community college division which shall include the community colleges in the system.

(2) All public institutions which exclusively or predominantly provide programs of postsecondary vocational-technical education shall

be under the jurisdiction of the Board of Supervisors of Community and Technical Colleges. Such institutions may not be transferred from the Louisiana Community and Technical College System.

(3) The provision of any program subject to the supervision and management of and offered at any institution under the jurisdiction of the Board of Supervisors of Community and Technical Colleges which is not a degree program shall require no approval beyond that of the Board of Supervisors of Community and Technical Colleges.

(B) Membership; Terms; Initial Membership and Terms. The board shall be composed of fifteen members appointed by the governor, as provided by law. In addition, the board shall have two student members as provided by law. All members selected and appointed by the governor shall be appointed with the consent of the Senate. Of those members selected and appointed by the governor, there shall be two members from each congressional district and the remaining member or members from the state at large. The board should be representative of the state's population by race and gender to ensure diversity. The members selected and appointed by the governor shall serve terms of six years, except that the initial members shall serve terms as provided by law.

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

(D) Transitional Funding. Appropriations annually from the state general fund for Fiscal Years 1999-2000, 2000-2001, and 2001-2002, for those institutions of higher education supervised and managed in

1998 by each of the management boards of higher education, that is 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, and the Board of Trustees for State Colleges and Universities, respectively, shall be no less than the appropriations from the state general fund in Fiscal Year 1998-1999 for those same institutions of higher education regardless of their management boards. Appropriations annually from the state general fund for Fiscal Years 1999-2000, 2000-2001, and 2001-2002, for those institutions in the Louisiana Community and Technical College System shall be no less than the state general fund appropriations in Fiscal Year 1998-1999 for those same institutions regardless of their management boards. Appropriations annually from the state general fund for Fiscal Years 1999-2000, 2000-2001, and 2001-2002, for postsecondary vocational-technical education shall be no less than the total of all appropriations for such purpose from the state general fund for Fiscal Year 1998-1999. The provisions of this Paragraph shall be null and void for any such 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.

(E) The transfer of any institution of higher education to the Louisiana Community and Technical College System effected on July 1, 1999 pursuant to this Section shall not change the mission of or adversely affect the accreditation of such institution.

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Section 2. Be it further resolved that Act No. 1497 of the 1997 Regular Session is hereby repealed, the amendment to the constitution proposed in

such Act is hereby withdrawn, and the secretary of state is hereby ordered not to include the proposition contained in that Act on the ballot for the 1998 congressional primary election.

Section 3. Be it further resolved that this proposed amendment shall be submitted to the electors of the state at the congressional primary election to be held in 1998.

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

To create the Louisiana Community and Technical College System and the Board of Supervisors of Community and Technical Colleges to manage the system; to provide for the board as a fifteen member management board subject to the planning, coordinating, and budgeting responsibility of the Board of Regents; to authorize the appointment of a limited number of members of other educational boards, if required by law; to provide for appointment of members by the governor; to provide for the consent of the Senate; to provide for the addition by law of one or two student members; to provide that initial board member terms shall be provided by law; to require that the system be composed of divisions within which all public programs of postsecondary vocational-technical education training and, as provided by law, institutions of higher education which offer associate degrees but not baccalaureate degrees are supervised and managed; to require study by the Board of Regents and action by the legislature by two-thirds vote of the elected members of each house to create a new postsecondary

institution, to transfer an institution of higher education from one management board to another, to merge any institution of postsecondary education into another institution, or to establish a new management board; to assign and prohibit the transfer of institutions which exclusively or predominantly provide programs of postsecondary vocational-technical training from such system; to temporarily require certain minimum funding for all postsecondary institutions; to remove provisions for the appropriation and allocation of funds from the Louisiana Quality Education Support Fund for vocational-technical education purposes and to provide relative to the allocation of monies in the fund for postsecondary education; to require the appropriation of certain funds for vocational-technical education purposes; and to permit the appointment and organization of the board upon the passage of twenty days after proclamation of the adoption of this amendment, but to provide for the transfer of the authority and jurisdiction over the constituent institutions beginning July 1, 1999. (Adds Article VIII, Section 7.1; amends Article VII, Section 10.1 (C)(2) through (4), 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))

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

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ENROLLED

enacted pursuant to the authority of this proposed amendment shall be effective July 1, 1999.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES