

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, 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.

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

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), 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 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 provide for student membership on the board; to empower the board with supervision and management of all public postsecondary vocational-technical education

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

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

25 ARTICLE VII

26 §10.1. Quality Trust Fund; Education

27 Section 10.1.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

* * *

(C) Reports; Allocation.

* * *

(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 economic development:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

* * *

(c) The enhancement of the quality of academic, **vocational-technical skill training**, research or agricultural departments or units within a **postsecondary vocational-technical school, 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; ~~or vocational-technical~~ educational purposes:

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

* * *

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

* * *

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; ~~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 two members from each congressional
6 district and one member from the state at large appointed by the
7 governor with consent of the Senate, and one student as provided by
8 law. The board should be representative of the state's population by
9 race and gender to ensure diversity. The members appointed by the
10 governor shall serve overlapping terms of six years, except that the
11 initial members shall serve terms as provided by law.

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

17 (D) Transitional Funding. Appropriations annually from the state
18 general fund for Fiscal Years 1999-2000, 2000-2001, and 2001-2002,
19 for those institutions of higher education supervised and managed in
20 1998 by the Board of Supervisors of Louisiana State University and
21 Agricultural and Mechanical College, the Board of Supervisors of
22 Southern University and Agricultural and Mechanical College, and the
23 Board of Trustees for State Colleges and Universities shall be no less
24 than the appropriations from the state general fund for those same
25 institutions of higher education regardless of their management board
26 in Fiscal Year 1998-1999. Total appropriations annually from the state
27 general fund for Fiscal Years 1999-2000, 2000-2001, and 2001-2002,

1 year term; to provide that initial board member terms shall be
2 provided by law; to require that the system be composed of
3 divisions within which all public programs of postsecondary
4 vocational-technical education training and, as provided by law,
5 institutions of higher education which offer associate degrees
6 but not baccalaureate degrees are supervised and managed; to
7 require study by the Board of Regents and action by the
8 legislature by two-thirds vote of the elected members of each
9 house to create a new postsecondary institution, to transfer an
10 institution of higher education from one management board to
11 another, to merge any institution of postsecondary education
12 into another institution, or to establish a new management
13 board; to assign and prohibit the transfer of institutions which
14 exclusively or predominately provide programs of
15 postsecondary vocational-technical training from such system;
16 to temporarily require certain minimum funding for all
17 postsecondary institutions; to provide relative to the allocation
18 of monies appropriated out of the Louisiana Quality Education
19 Support Fund for postsecondary vocational-technical
20 educational purposes by the Board of Regents; to repeal a prior
21 adopted proposed constitutional amendment which, if approved
22 by the electorate, would authorize the legislature to provide by
23 law for the creation of a community college system; and, to
24 permit the appointment and organization of the board upon the
25 passage of twenty days after proclamation of the adoption of
26 this amendment, but transfer the authority and jurisdiction over
27 the constituent institutions beginning July 1, 1999. (Adds Article

1 VIII, Section 7.1; amends Article VII, Section 10.1 (C)(2) and
 2 (3), the introductory paragraph of (D)(1), (D)(1)(c), the
 3 introductory paragraph of (D)(2), and (D)(2)(a), and (c) and
 4 Article VIII, Section 3(A), 5(A), the introductory paragraph of
 5 (D), (D)(3), (4), and (5), and (E))

6 Section 5. Be it further resolved that if approved by the people this
 7 proposed amendment shall be effective as provided in Article XIII of this
 8 constitution in all respects, except that the actual transfer of institutions and
 9 programs over which the Board of Supervisors of Technical and Community
 10 Colleges has jurisdiction pursuant to this proposed amendment and any law
 11 enacted pursuant to the authority of this proposed amendment shall be
 12 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 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. Provides six-year overlapping terms after initial terms as assigned by the governor. 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 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 provided that in any fiscal year state general fund revenues are not less than the state general fund revenues of fiscal year 1998-1999 as determined by the Revenue Estimating Conference.

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. Specifies that one of the purposes for which the regents may allocate such money is vocational-technical skill training.

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))

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.