

Regular Session, 2011

SENATE BILL NO. 128

BY SENATOR DORSEY

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

POSTSECONDARY ED. Constitutional Amendment to provide exclusive authority to Board of Supervisors for Community and Technical Colleges over programs of public postsecondary vocational-technical training and institutions of higher education offering associate degrees but not baccalaureate degrees. (2/3 - CA13s1(A))

A JOINT RESOLUTION

Proposing to amend Article VIII, Section 5(A), the introductory paragraph of Section 5(D), Section 5(D)(3), (4) and (5), and Section 7.1(A) all of the Constitution of Louisiana, relative to the authority of the Board of Supervisors of Community and Technical Colleges; to provide for exclusive authority of the Board of Supervisors of Community and Technical Colleges over programs of public postsecondary vocational-technical training and institutions of higher education offering associate degrees but not baccalaureate degrees; 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 VIII, Section 5(A), the introductory paragraph of Section 5(D), Section 5(D)(3), (4) and (5), and Section 7.1(A) all of the Constitution of Louisiana, to read as follows:

§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

1 postsecondary education, **except for those institutions under the authority of the**
2 **Board of Supervisors of Community and Technical Colleges as provided in**
3 **Section 7.1 of this Article, and except as provided in Section 7.1 of this Article,**
4 shall have other powers, duties, and responsibilities provided in this Section or by
5 law.

6 * * *

7 (D) Powers. The Board of Regents, **or the Board of Supervisors of**
8 **Community and Technical Colleges as to programs under the authority of the**
9 **Board of Supervisors,** shall meet with the State Board of Elementary and Secondary
10 Education at least twice a year to coordinate programs of public elementary,
11 secondary, vocational-technical, career, and higher education. The Board of Regents
12 shall have the following powers, duties, and responsibilities relating to public
13 institutions of postsecondary education, **except as to those institutions under the**
14 **authority of the Board of Supervisors of Community and Technical Colleges:**

15 * * *

16 (3)(a) ~~To~~ **Except as to institutions under the authority of the Board of**
17 **Supervisors of Community and Technical Colleges, to** study the need for and
18 feasibility of creating a new institution of postsecondary education, which includes
19 establishing a branch of such an institution or converting any non-degree granting
20 institution to an institution which grants degrees or converting any college or
21 university which is limited to offering degrees of a lower rank than baccalaureate to
22 a college or university that offers baccalaureate degrees or merging any institution
23 of postsecondary education into any other institution of postsecondary education,
24 establishing a new management board, and transferring a college or university from
25 one board to another.

26 (b) If the creation of a new institution, the merger of any institutions, the
27 addition of another management board, or the transfer of an existing institution of
28 higher education from one board to another is proposed, the Board of Regents **or the**
29 **Board of Supervisors of Community and Technical Colleges as to those**

1 **institutions under its authority,** shall report its written findings and
2 recommendations to the legislature within one year. Only after the report has been
3 filed, or after one year from the receipt of a request for a report from the legislature
4 if no report is filed, may the legislature take affirmative action on such a proposal
5 and then only by law enacted by two-thirds of the elected members of each house.

6 (4) ~~To~~ **Except as to institutions under the authority of the Board of**
7 **Supervisors of Community and Technical Colleges, to** formulate and make timely
8 revision of a master plan for postsecondary education. As a minimum, the plan shall
9 include a formula for equitable distribution of funds to the institutions of
10 postsecondary education.

11 (5) ~~To~~ **Except as to institutions under the authority of the Board of**
12 **Supervisors of Community and Technical Colleges, to** require that every
13 postsecondary education board submit to it, at a time it specifies, an annual budget
14 proposal for operational needs and for capital needs of each institution under the
15 control of each board. The Board of Regents shall submit its budget
16 recommendations for all institutions of postsecondary education in the state, **except**
17 **as to institutions under the authority of the Board of Supervisors of Community**
18 **and Technical Colleges.** It shall recommend priorities for capital construction and
19 improvements.

20 * * *

21 §7.1. Board of Supervisors of Community and Technical Colleges

22 Section 7.1.(A) Creation; Powers; Institutions; Divisions. (1) The Board of
23 Supervisors of Community and Technical Colleges is created as a body corporate to
24 manage the Louisiana Community and Technical College System ~~subject to powers~~
25 ~~vested by this Article in the Board of Regents.~~ The system shall include all programs
26 of public postsecondary vocational-technical training, and, as provided by law,
27 institutions of higher education which offer associate degrees but not baccalaureate
28 degrees and such programs and institutions shall be supervised and managed by the
29 board. The system shall be comprised of two divisions, the vocational-technical

1 division which shall include all public postsecondary vocational-technical schools
2 and the community college division which shall include the community colleges in
3 the system.

4 * * *

5 Section 2. Be it further resolved that this proposed amendment shall be submitted
6 to the electors of the state of Louisiana at the gubernatorial primary election to be held on
7 October 22, 2011.

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

12 To provide for exclusive authority of the Board of Supervisors of
13 Community and Technical Colleges over programs of public postsecondary
14 vocational-technical training and those institutions of higher education
15 offering associate degrees but not baccalaureate degrees.

16 (Amends Article VIII, Section 5(A), (D)(intro para), (3), (4) and (5), and
17 Section 7.1(A))

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Thomas L. Tyler.

DIGEST

Present constitution creates the Board of Supervisors of Community and Technical (Board of Supervisors) to manage the Louisiana Community College System. Requires that they include all programs of public postsecondary vocational-technical training and institutions of higher education which offer associate degrees but not baccalaureate degrees. Requires that the system be comprised of two divisions: the vocational-technical division which includes all public postsecondary vocational-technical schools and the community college division which includes the community colleges. Provides that all such programs and institutions be supervised and managed by the Board of Supervisors subject to powers vested in the Board of Regents.

Proposed constitutional amendment retains these provisions but removes requirement that the Board of Supervisors supervise and manage its programs and institutions subject to the powers vested in the Board of Regents.

Present constitution requires the Board to 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.

Proposed constitutional amendment retains these provisions but requires that the Board of Supervisors perform this function as to those programs under its authority.

Present constitution requires that the Board of Regents have certain powers, duties, and responsibilities relating to public institutions of postsecondary education. Proposed constitutional amendment retains this authority with the Board of Regents but only as to those institutions not under the authority of the Board of Supervisors. These powers, duties, and responsibilities as to institutions under the authority of the Board of Supervisors of Community and Technical Colleges include studying the need and feasibility of creating new institutions of postsecondary education, including the establishing of branch institutions or converting non-degree granting institutions to institutions that grant degrees; converting a college or university limited to offering lower rank degrees to a college or university that offers baccalaureate degrees; merging any institutions of postsecondary education; making written reports and recommendations as to the creation of new or merger of institutions; the formulation and revision of a master plan for postsecondary education, including a formula for equitable distribution of funds to the institutions of postsecondary education; and the submission of an annual budget proposal for operational needs and capital needs.

Specifies submission of the amendment to the voters at the statewide election to be held on October 22, 2011.

(Amends Const. Art. VIII, Sec. 5(A), (D)(intro para), (3), (4) and (5), and Sec. 7.1(A))