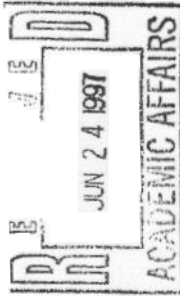


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Regular Session, 1997

SENATE BILL NO. 1068 (DUPLICATE OF HOUSE BILL NO. 2306)



BY SENATOR GREENE AND REPRESENTATIVE FORSTER AND COAUTHORED BY REPRESENTATIVE BRUNEAU

AN ACT

To enact R.S. 17:3217.1, relative to public postsecondary education; to merge the Orleans Regional Technical Institute with Delgado Community College in the University of Louisiana system; to transfer the funds, property, obligations, functions, and programs of the technical institute from the State Board of Elementary and Secondary Education to the Board of Trustees for State Colleges and Universities; to provide for the duties and responsibilities of the Board of Trustees for State Colleges and Universities; to provide with regard to the students, faculty, and employees of the technical institute at the time of merger; to provide relative to the Division of Occupational Studies at Delgado Community College; to provide for effectiveness; to provide relative to the continuation and future operation of certain vending and concession services operated by blind persons, and to provide for related matters.

POST-IT FAX NOTE	1571	Pages	6
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Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3217.1 is hereby enacted to read as follows:

§3217.1. Orleans Regional Technical Institute, merger with Delgado
Community College

A. Effective July 1, 1997, the Orleans Regional Technical Institute is hereby merged with Delgado Community College in the University of Louisiana system and on this date the funds, property, obligations, programs, and functions of the Orleans Regional Technical Institute are transferred from the State Board of Elementary and

Secondary Education to and hereby are vested in the Board of Trustees for State Colleges and Universities.

B.(1) Any student enrolled in a program of study at the Orleans Regional Technical Institute at the time of the merger with Delgado Community College shall be permitted to complete such program of study at no greater cost or conditions than those applicable to the student prior to the merger.

(2) Any person employed at the Orleans Regional Technical Institute on the date of merger with Delgado Community College shall have the right to be retained in his position pursuant to the same policies and conditions applicable to such person prior to the merger. The Board of Trustees for State Colleges and Universities shall conduct a careful and deliberate review of the programs and employees at the former technical institute and provide for an employee transition that is consistent with the mission of Delgado Community College and that provides opportunities for an employee to have a role at the community college at least equivalent to his position prior to the merger. Such opportunities shall include but not be limited to providing such additional training or professional development, or both, at no cost to the employee as is necessary to prepare the employee to undertake his role at the community college subsequent to the transfer.

(3) A student, faculty member, or other employee of the technical institute on the date of the merger with Delgado Community College shall be entitled to and eligible for all benefits provided by law, rule, or regulation for students, faculty and employees, respectively, of other public two-year institutions of higher education in the University of Louisiana system.

(4) The Division of Occupational Studies at Delgado

Community College shall be headed by a dean. The dean of the division initially shall be the individual serving as the director of the Orleans Regional Technical Institute on the date of merger with Delgado Community College. All occupational programs at Delgado Community College shall be under the Division of Occupational Studies. The dean of occupational studies, under the supervision of the Board of Trustees for State Colleges and Universities, shall have the authority to maintain the same vocational technical curriculum as all other technical colleges in the state.

C. Prior to July 1, 1997, the Board of Trustees for State Colleges and Universities shall conduct an independent audit of the Orleans Regional Technical Institute to establish the assets, liabilities, and fund balances of the institute.

D. Notwithstanding any provision of law to the contrary, Delgado Community College shall give preference in the operation of vending stands, vending machines, and other concessions operated on its premises and on the premises of the former technical institute to blind persons pursuant to programs for such persons administered by the Department of Social Services. Additionally, no other vending stands, vending machines, or other concessions shall be operated on the same premises as the vending stands, vending machines, and other concessions given preference by this subsection. No blind person shall be required to pay any fee, service charge, or other cost to operate any vending stand, vending machine, or other concession on the premises of Delgado Community College or on the premises of the former technical institute and no blind person operating such a vending stand, vending machine, or other concession on such premises shall be adversely impacted in any way in the operation of such stand,

machine, or concession without reasonable or just cause.

E. Nothing in this Section shall affect in any way any other vocational-technical education facility under the management, control, and supervision of the State Board of Elementary and Secondary Education other than the Orleans Regional Technical Institute.

F. The Board of Trustees for State Colleges and Universities shall submit a written report to the House Committee on Education and the Senate Committee on Education by not later than December 31, 1998, on the effects of the transfer of the Orleans Regional Technical Institute. The report shall compare the program with the program prior to the transfer with particular emphasis on access by students to occupational training programs compared to such access prior to transfer, including statistics relative to student applications, admissions, and admission refusals.

Section 2. For purposes of this Section, "the community college" shall mean Delgado Community College; "the institute" shall mean the Orleans Regional Technical Institute; "the board" shall mean the State Board of Elementary and Secondary Education; and "the trustees" shall mean the Board of Trustees for State Colleges and Universities. All unfinished business, references in laws and documents, employees, property, obligations, and books and records of the institute shall be transferred as provided in this Section. Upon the merger of the institute with the community college, any pending or unfinished business of the institute and of the board on behalf of the institute shall be taken over and be completed by the community college with the same power and authorization as that of the institute and the trustees shall be the successor in every way to the board for the purpose of completing such business. Any reference in laws and documents to the institute shall be deemed to apply to the community college and all such references to the board

in relation to the institute shall be deemed to apply to the trustees. A legal proceeding to which the institute or the board on behalf of the institute is a party and which is filed, initiated, or pending before any court on the effective date of this Section, and all documents involved in or affected by said legal proceeding, shall retain their effectiveness and shall be continued in the name of the community college or the trustees on its behalf. All further legal proceedings and documents in the continuation, disposition, and enforcement of said legal proceeding shall be in the name of the community college or the trustees on its behalf, and the community college shall be substituted for the institute without necessity for amendment of any document. This Act shall not be construed so as to impair the contractual or other obligations of the institute, of the board on its behalf, or of the state of Louisiana. All obligations of the institute, or of the board on its behalf, shall be the obligations of the community college or the trustees on its behalf. The community college and the trustees on its behalf shall be the successor in every way to the institute and the board on its behalf, including all of the obligations and debts of the institute. All funds heretofore dedicated by or under authority of the constitution and laws of this state or any of its subdivisions to the payment of any bonds issued for construction or improvements for any facility under the control to be collected and dedicated to the payment of those bonds, unless and until other provision is made for the payment of such bonds. In like manner, all other dedications and allocations of revenues and sources of revenues heretofore made shall continue in the same manner, to the same extent, and for the same purposes as were provided prior to the enactment of this Act, unless and until other provision is made for the payment of said bonds. This Act shall not be construed or applied in any way which will prevent full compliance by the state, or any department, office, or agency thereof, with the

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requirements of any Act of the Congress of the United States or any regulation made thereunder by which federal aid or other federal assistance has been or **hereafter is made available.** All books, papers, records, money, actions, and other property of every kind, movable and immovable, real and personal, **heretofore possessed, controlled, or used by the institute are hereby transferred to the community college.**

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, **Section 18 of the Constitution of Louisiana.** If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on **the day following such approval.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____