

Regular Session, 2014

HOUSE BILL NO. 222

BY REPRESENTATIVE LEGER

EDUCATION/FINANCE: (Constitutional Amendment) Prohibits the supplanting of state funds for tuition and fee increases for institutions of higher education

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A JOINT RESOLUTION

Proposing to amend Article VIII, Section 12 of the Constitution of Louisiana, to provide for appropriations for higher education; to prohibit the displacement or reduction of certain appropriated amounts in certain fiscal years; to provide for exceptions; to provide for an effective date; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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 of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article VIII, Section 12 of the Constitution of Louisiana, to read as follows:

§12. Appropriations; Higher Education

Section 12.(A) Appropriations for the institutions of higher education shall be made to their managing boards. The funds appropriated shall be administered by the managing boards and used solely as provided by law.

(B)(1) Except as provided for in Subparagraph (2) of this Paragraph, in any fiscal year in which the fees and self-generated revenues appropriated for higher education from tuition and mandatory fees are greater than the fees and self-generated revenues appropriated from tuition and mandatory fees in the prior fiscal year, the additional fees and self-generated revenues shall not be used to displace, replace, or supplant the amount appropriated for higher education from the state general fund and dedicated funds.

1           (2) Notwithstanding Article VII, Section 10(F) of this constitution, neither  
2           the governor nor the legislature may reduce the total appropriation from the sum of  
3           the state general fund and dedicated funds for higher education below the  
4           appropriation for Fiscal Year 2013-2014, except the governor may reduce the  
5           appropriation to higher education if either of the following occur:

6           (a) If the legislature is in session, the reduction is consented to in writing by  
7           two-thirds of the elected members of each house in a manner provided by law.

8           (b) If the legislature is not in session, the reduction is approved by two-thirds  
9           of the members of the Joint Legislative Committee on the Budget, or its successor.

10           (3) For the purpose of this Paragraph "mandatory fees" shall mean higher  
11           education fees that are subject to legislative approval.

12           Section 2. Be it further resolved that this proposed amendment shall be submitted  
13 to the electors of the state of Louisiana at the statewide election to be held on November 4,  
14 2014.

15           Section 3. Be it further resolved that the provisions of this proposed amendment  
16 shall become effective July 1, 2016.

17           Section 4. Be it further resolved that on the official ballot to be used at the election,  
18 there shall be printed a proposition, upon which the electors of the state shall be permitted  
19 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as  
20 follows:

21           Do you support an amendment limiting reductions of public funding to  
22           higher education up to the amount of increases in tuition and certain fees if  
23           such tuition and fees are increased or below the level of public funding to  
24           higher education in Fiscal Year 2013-2014? (Effective July 1, 2016)  
25           (Amends Article VIII, Section 12)

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 DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Leger

HB No. 222

**Abstract:** Prohibits supplanting of state funding for higher education in years where the tuition and mandatory fees increase and prohibits reductions of state funding for higher education below the appropriation for Fiscal Year 2013-2014 without certain legislative approval.

Proposed constitutional amendment provides that in any fiscal year which the fees and self-generated revenues appropriated for higher education from tuition and mandatory fees are greater than the appropriation of such funds in the prior fiscal year, the additional fees and self-generated revenues shall not displace, replace, or supplant the amount appropriated for higher education from the state general fund and dedicated funds. Further defines mandatory fees as higher education fees that are subject to legislative approval.

Proposed constitutional amendment provides that the total appropriation from the sum of the state general fund and dedicated funds for higher education may not be reduced below the appropriation for Fiscal Year 2013-2014, except the governor may reduce the appropriation to higher education if either of the following occur:

- (1) If the legislature is in session, the reduction is consented to in writing by two-thirds of the elected members of each house in a manner provided by law.
- (2) If the legislature is not in session, the reduction is approved by two-thirds of the members of the Joint Legislative Committee on the Budget, or its successor.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 4, 2014.

Effective July 1, 2016.

(Amends Const. Art. VIII, §12)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Appropriations to the original bill.

1. Deleted mandatory fee amounts from inclusion in the amount required to trigger the nonsupplant requirements.
2. Added an exception for a decrease of state funds up to 5% of the tuition increase if there is a projected deficit in the year prior to the increase in tuition.
3. Added an effective date.

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the engrossed bill.

1. Changed the ballot language to provide a more detailed explanation of the proposed constitutional amendment.

House Floor Amendments to the reengrossed bill.

1. Added mandatory fee amounts for inclusion in the amount required to trigger the nonsupplant requirements and defined mandatory fees.
2. Deleted exception for a decrease of state funds up to 5% of the tuition increase if there is a projected deficit in the year prior to the increase in tuition.
3. Added that state appropriations for higher education may not be reduced below the appropriation for Fiscal Year 2013-2014 without certain legislative approval.