

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

## 1 A JOINT RESOLUTION

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

7 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members  
8 elected to each house concurring, that there shall be submitted to the electors of the state of  
9 Louisiana, for their approval or rejection in the manner provided by law, a proposal to  
10 amend Article VIII, Section 12 of the Constitution of Louisiana, to read as follows:

## 11 §12. Appropriations; Higher Education

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

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

21 (2) If a deficit for the prior fiscal year was projected due to a decrease in the  
22 official forecast, and the fees and self-generated revenues appropriated for higher

1        education from tuition are greater than the fees and self-generated revenues  
2        appropriated from tuition in the prior fiscal year, the state general fund and dedicated  
3        funds appropriated for higher education may not be reduced by more than five  
4        percent of the amount of the increase in fees and self-generated revenues  
5        appropriated from tuition from the prior fiscal year.

6        Section 2. Be it further resolved that this proposed amendment shall be submitted  
7 to the electors of the state of Louisiana at the statewide election to be held on November 4,  
8 2014.

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

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

15                If state colleges and universities raise tuition, do you support an amendment  
16                prohibiting the legislature from reducing public funding to the colleges and  
17                universities up to the amount of the increase in tuition where no deficit in the  
18                state budget for that year is forecasted, or if a state budget deficit is  
19                forecasted, prohibiting the legislature from decreasing the level of funding  
20                to colleges and universities by more than five percent of the public funding  
21                provided to the colleges and universities in the year of the tuition increase?

22                (Effective July 1, 2016) (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 no deficit is forecasted and revenue from tuition increases as compared to the prior year, and limits supplanting of state funding for higher education to a maximum of 5% of the tuition increase in years subsequent to a year where a deficit was projected and revenue from tuition increases as compared to the prior year.

Proposed constitutional amendment provides that, except in a year subsequent to a projected deficit, in any fiscal year which the fees and self-generated revenues appropriated for higher education from tuition 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.

Proposed constitutional amendment further provides that in any fiscal year subsequent to a projected deficit and which the fees and self-generated revenues appropriated for higher education from tuition are greater than the appropriation of such funds in the prior fiscal year, state funding for higher education may not be reduced by more than 5% of the amount of the increase.

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.