

2015 Regular Session

HOUSE BILL NO. 61

BY REPRESENTATIVE CARMODY

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

STUDENT/TUITION: (Constitutional Amendment) Exempts public postsecondary education tuition and fees from requirements for imposing a new or increasing an existing fee and provides relative to the authority to set tuition and fees

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A JOINT RESOLUTION

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Proposing to amend Article VIII, Section 5(E) and to add Article VII, Section 2.1(C) of the

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Constitution of Louisiana, relative to requirements in relation to the imposition of or

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increase in fees and civil fines; to provide exceptions relative to public

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postsecondary education tuition and fees; to provide further relative to the authority

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to establish such tuition and fees; to provide for submission of the proposed

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amendment to the electors; and to provide for related matters.

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Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members

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elected to each house concurring, that there shall be submitted to the electors of the state of

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Louisiana, for their approval or rejection in the manner provided by law, a proposal to add

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Article VII, Section 2.1(C) of the Constitution of Louisiana, to read as follows:

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§2.1. Fees and Civil Fines; Limitation; Exceptions

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Section 2.1.

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* * *

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(C) The provisions of Paragraph (A) of this Section shall not apply to tuition

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or fees charged by a public postsecondary education institution.

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Section 2. Be it resolved by the Legislature of Louisiana, two-thirds of the members

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elected to each house concurring, that there shall be submitted to the electors of the state of

1 Louisiana, for their approval or rejection in the manner provided by law, a proposal to
2 amend Article VIII, Section 5(E) of the Constitution of Louisiana, to read as follows:

3 §5. Board of Regents

4 Section 5.

5 * * *

6 (E) Powers Not Vested. ~~Powers~~ (1) Except as provided by Subparagraph
7 (2) of this Paragraph, powers of management over public institutions of
8 postsecondary education not specifically vested by this Section in the Board of
9 Regents are reserved to the Board of Supervisors of Louisiana State University and
10 Agricultural and Mechanical College, the Board of Supervisors of Southern
11 University and Agricultural and Mechanical College, the Board of ~~Trustees for State~~
12 ~~Colleges and Universities~~, Supervisors for the University of Louisiana System, the
13 Board of Supervisors of Community and Technical Colleges, and any other such
14 board created pursuant to this Article, as to the institutions under the control of each.

15 (2) The authority to establish tuition and fees charged to students attending
16 public postsecondary education institutions shall be as provided by law.

17 Section 3. Be it further resolved that this proposed amendment shall be submitted
18 to the electors of the state of Louisiana at the statewide election to be held on October 24,
19 2015.

20 Section 4. Be it further resolved that if the proposed amendments contained in this
21 Joint Resolution are ratified by the electors of the state, the provisions of the amendments
22 shall become effective on January 1, 2016.

23 Section 5. Be it further resolved that on the official ballot to be used at the election,
24 there shall be printed a proposition, upon which the electors of the state shall be permitted
25 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
26 follows:

27 Do you support an amendment to remove the constitutional requirement that
28 any tuition or fee increase or new fee for public higher education be
29 approved by a two-thirds vote of the legislature, and instead authorize the

1 legislature by a majority vote to set itself or statutorily delegate to others,
 2 with or without limitations, the authority to set tuition and fees for higher
 3 education? (Effective January 1, 2016)(Amends Article VIII, Section 5(E);
 4 Adds Article VII, Section 2.1(C))

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)]

HB 61 Re-Reengrossed

2015 Regular Session

Carmody

Abstract: Removes tuition and fees charged by institutions of postsecondary education from constitutional provisions requiring a two-thirds vote of the legislature and from managerial authority of the various postsecondary education management boards.

Present constitution requires that all new fees or increases of existing fees imposed by the state or any board, department, or agency of the state be enacted by a two-thirds vote of the legislature. This provision of present constitution applies to tuition and fees charged to students attending public institutions of postsecondary education. Proposed constitutional amendment exempts new or increased tuition and fees charged to students attending public institutions of postsecondary education from the two-thirds voting requirement of the legislature.

Present constitution provides for the management of public institutions of postsecondary education by various entities, namely the LSU Board of Supervisors, the Southern University Board of Supervisors, the Board of Trustees for State Colleges and Universities, and the Board of Supervisors of Community and Technical Colleges. Proposed constitutional amendment retains the general authority of these management boards but specifically excludes from their constitutional authority the ability to establish or raise tuition and fees and, instead, provides that such authority is as provided in law.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Oct. 24, 2015. If ratified by the electors, the provisions of the amendments become effective on Jan. 1, 2016.

(Amends Const. Art. VIII, §5(E); Adds Const. Art. VII, §2.1(C))

Summary of Amendments Adopted by House

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

1. Make technical amendments.
2. Change the proposed ballot language.