

2017 Regular Session

SENATE BILL NO. 110

BY SENATOR LUNEAU

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

TOPS. Provides for residency requirements for TOPS recipients and for repayment of a TOPS award under certain circumstances. (gov sig)

1 AN ACT

2 To enact R.S. 17:5004 and 5004.1, relative to the Taylor Opportunity Program for Students;

3 to provide relative to residency requirements for award recipients; to require

4 repayment of program awards under certain circumstances; to require the Board of

5 Regents to promulgate rules relative to repayment; to require that these rules provide

6 for means of collection and for specified exceptions; to provide relative to

7 applicability; and to provide for related matters.

8 Section 1. R.S. 17:5004 and 5004.1 are hereby enacted to read as follows:

9 **§5004. Repayment; rules**

10 **A. Within one year of completion of a bachelor's degree, postgraduate**

11 **degree, associate's degree, or shorter-term training or educational program as**

12 **applicable, or within one year of resigning from a postsecondary institution, a**

13 **person who received any award pursuant to this Chapter shall do one of the**

14 **following:**

15 **(1) Demonstrate proof of residency in Louisiana for a time period equal**

16 **to the number of academic years, or fraction thereof, of award received**

17 **pursuant to this Chapter. The administering agency shall require as many of the**

1 following as deemed necessary to verify residency:

2 (a) If registered to vote, is registered in Louisiana.

3 (b) If licensed to drive a motor vehicle, is in possession of a Louisiana  
4 driver's license.

5 (c) If owning a motor vehicle located within Louisiana, is in possession  
6 of Louisiana registration for that vehicle.

7 (d) If earning an income, has filed a Louisiana state income tax return  
8 and has complied with state income tax laws and regulations.

9 (e) Other proof as required by the administering agency by rule.

10 (2) Repay fifty percent of the award amount received for each full  
11 academic year, or fraction thereof, for every year he fails to comply with  
12 Paragraph (1) of this Subsection.

13 B. The administering agency shall promulgate rules necessary to  
14 implement the provisions of this Section. Such rules shall include the following:

15 (1) Provision for all available means of collecting amounts owed,  
16 including any interest which the administering agency might charge on unpaid  
17 amounts.

18 (2) Provision for circumstances under which a student shall be excepted  
19 from the repayment requirements in Subsection A of this Section. Such rules  
20 shall provide for the definition, certification requirements, and maximum  
21 duration of such circumstances, which shall be limited to the following:

22 (a) Parental leave.

23 (b) Physical rehabilitation program.

24 (c) Substance abuse rehabilitation program.

25 (d) Temporary disability.

26 (e) Permanent disability.

27 (f) Exceptional educational opportunity.

28 (g) Religious commitment.

29 (h) Death in immediate family.

1                    **(i) Military service.**

2                    **(j) Transfer to a selective enrollment program.**

3                    **(k) Exceptional circumstances.**

4                    **C. All local and state agencies, including the Department of Revenue and**

5                    **the Louisiana Workforce Commission, shall provide such data to the**

6                    **administering agency as it deems necessary to implement the provisions of this**

7                    **Section.**

8                    **§5004.1. Repayment; exceptions**

9                    **The provisions of R.S. 17:5004 shall not apply to a person who graduates**

10                  **from high school prior to the 2017-2018 school year.**

11                  Section 2. This Act shall become effective upon signature by the governor or, if not  
12 signed by the governor, upon expiration of the time for bills to become law without signature  
13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
14 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
15 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Jeanne C. Johnston.

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DIGEST

SB 110 Original

2017 Regular Session

Luneau

Present law provides for the Taylor Opportunity Program for Students (TOPS), a program of merit scholarships for students attending certain postsecondary education institutions who meet specific academic criteria and other requirements for initial eligibility.

Proposed law, applicable to students graduating from high school during or after the 2017-2018 school year:

- (1) Requires award recipients, within one year of completing a bachelor's degree, postgraduate degree, associate's degree, or shorter-term training or educational program as applicable, or within one year of resigning from a postsecondary institution, to do one of the following:
  - (a) Demonstrate proof of residency in Louisiana for a time period equal to the number of academic years, or fraction thereof, of award received by proof of as many of the following as deemed necessary to verify residency:
    - (i) If registered to vote, is registered in Louisiana.
    - (ii) If licensed to drive a motor vehicle, is in possession of a Louisiana driver's license.

- (iii) If owning a motor vehicle located within Louisiana, is in possession of Louisiana registration for that vehicle.
  - (iv) If earning an income, has filed a Louisiana state income tax return and has complied with state income tax laws and regulations.
  - (v) Other proof as required by the administering agency by rule.
- (b) Repay fifty percent of the award received for each full academic year, or fraction thereof, for each year he fails to prove residency in La.

Proposed law requires the administering agency (the Board of Regents) to promulgate rules necessary to implement proposed law, including provisions for the following:

- (1) Collecting amounts owed and interest on unpaid amounts.
- (2) Circumstances under which a student shall be excepted from the proposed law repayment requirements; requires that these rules provide for the definition, certification requirements, and maximum duration of these circumstances, which shall be limited to the following exceptions:
  - (a) Parental leave
  - (b) Physical rehabilitation program
  - (c) Substance abuse rehabilitation program
  - (d) Temporary disability
  - (e) Permanent disability
  - (f) Exceptional educational opportunity
  - (g) Religious commitment
  - (h) Death of immediate family
  - (i) Military service
  - (j) Transfer to a selective enrollment program
  - (k) Exceptional circumstances

Proposed law requires local and state agencies, including the Department of Revenue and the Louisiana Workforce Commission, to provide such data to the administering agency as may be necessary to implement the provisions of proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:5004 and 5004.1)