

Regular Session, 2014

SENATE BILL NO. 1

BY SENATOR CLAITOR

COLLEGES/UNIVERSITIES. Enacts the "Legislative Scholarship Fairness Act" (gov sig)

1 AN ACT

2 To amend and reenact Chapter 6 of Title 17 of the Louisiana Revised Statutes of 1950, to  
3 be comprised of R.S. 17:1891, relative to Tulane University; to provide relative to  
4 the Tulane Legislative Scholarship Program established pursuant to Act No. 43 of  
5 the 1884 Regular Session of the Legislature of Louisiana, as amended; to enact the  
6 "Legislative Scholarship Fairness Act"; to provide certain terms, procedures,  
7 conditions, and requirements; to provide relative to eligibility criteria and other  
8 program requirements; to provide for exclusions from eligibility; to provide relative  
9 to the scholarship selection and award process; to provide relative to public notice  
10 and disclosure of certain program information; to provide for effectiveness; and to  
11 provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Chapter 6 of Title 17 of the Louisiana Revised Statutes of 1950,  
14 comprised of R.S. 17:1891, is hereby amended and reenacted to read as follows:

15 CHAPTER 6. TULANE UNIVERSITY

16 **§1891. Tulane Legislative Scholarships; Legislative Scholarship Fairness Act**

17 **A. This Section shall be known and may be cited as the "Legislative**

1        Scholarship Fairness Act".

2                B.(1) Pursuant to Act No. 43 of the 1884 Regular Session of the  
3        Legislature of Louisiana, as amended, each state legislator has the right as  
4        provided in this Section to appoint one student from among the citizens of the  
5        state to receive free tuition from Tulane University, provided the student meets  
6        the admission requirements established by the university.

7                (2) Effective for the 2015-2016 academic year and thereafter, all free  
8        tuition granted by Tulane University through the Tulane University Legislative  
9        Scholarship Program established pursuant to Act No. 43 of the 1884 Regular  
10       Session of the Legislature of Louisiana, as amended, shall be awarded as  
11       provided in this Section.

12               C.(1) Each scholarship awarded through the Tulane University  
13       Legislative Scholarship Program shall provide one year of full undergraduate  
14       tuition for Louisiana residents who meet the eligibility criteria and other  
15       program requirements established by Tulane University and as otherwise  
16       provided in this Section.

17               (2) Nominations for a scholarship for a period of less than one year may  
18       be made if the student will be graduating before the end of the academic year.

19               D.(1) No legislator shall nominate a member of his immediate family for  
20       a Tulane Legislative Scholarship.

21               (2) No elected official in Louisiana shall be eligible to receive a Tulane  
22       Legislative Scholarship.

23               (3) No person who is a member of the immediate family of an elected  
24       official who is subject to the provisions of R.S. 42:1124(A)(1), or who is elected  
25       to represent Louisiana in the Congress of the United States, shall be eligible to  
26       receive a Tulane Scholarship.

27               E.(1) A legislator may establish his own selection criteria and directly  
28       nominate a student for a Tulane Legislative Scholarship or request Tulane  
29       University to award the scholarship on his behalf through an open competition

1 in accordance with eligibility criteria established by the university and as  
2 provided in this Section.

3 (2) At minimum, the selection process established for the open  
4 competition shall provide for the following:

5 (a) If at all possible, the scholarship shall be awarded to a student who  
6 resides in the legislator's district.

7 (b) If there is no qualified student available from a legislator's district,  
8 an otherwise qualified student shall be selected, on the basis of demonstrated  
9 need, from a statewide pool of Louisiana residents who have been accepted for  
10 admission to Tulane University.

11 (c) Tulane University shall send notification to each legislator who  
12 utilizes the open competition selection process regarding the student selected to  
13 receive his legislative scholarship.

14 (d) By utilizing the open competition, the legislator agrees to allow the  
15 university to award his Tulane Legislative Scholarship to the same student  
16 every year until the student graduates, or until the legislator's term ends or he  
17 otherwise leaves office.

18 F. Information regarding the existence of the Tulane Legislative  
19 Scholarship Program shall be published on the legislature's website which shall  
20 include a link to the Tulane University website where potential recipients can  
21 obtain an application form and detailed information on scholarship eligibility  
22 criteria, guidelines, deadlines, and other program requirements.

23 G.(1) Tulane University shall publish annually on the Tulane University  
24 website the following information relative to the Tulane Legislative Scholarship  
25 Program:

26 (a) The name and city of residence of each scholarship recipient.

27 (b) The name and district number of each scholarship recipient's  
28 nominating legislator.

29 (c) If the scholarship recipient is related to an elected official, the name

1 of the elected official to whom the recipient is related.

2 (2) No information shall be published pursuant to this Section in  
 3 violation of any state or federal law, including the Family Education Rights and  
 4 Privacy Act.

5 H. For purposes of this Section, "immediate family" shall be defined as  
 6 provided in R.S. 42:1102(13).

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

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The original instrument was prepared by Jeanne Johnston. The following digest, which does not constitute a part of the legislative instrument, was prepared by Mary Dozier O'Brien.

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#### DIGEST

Claitor (SB 1)

Present law (Act No. 43 of 1884 RS) provides for an agreement between the administrators of the Tulane Education Fund and the state. Provides that, in consideration of the vesting of the administration of the University of Louisiana in the administrators, of the transfer of the rights, powers, privileges, franchises, and immunities of the university to the administrators, and of the exemption from all taxation, the administrators will develop, foster, and maintain the University of La., to be known as the "Tulane University of Louisiana", and use their powers to create and maintain in New Orleans a great university. Also provides that the administrators waive all legal claim upon the state for any appropriation in favor of the university.

Proposed law retains these provisions.

Present law (§6 of Act No. 43 of 1884 RS, as amended) further provides that the administrators agree to give continuously, in the academic department, free tuition to students nominated by members of the legislature. Provides that each legislator has the right to nominate one student from among the state's citizens and that each nominee shall comply with the admission requirements established by the administrators. Further provides that the free tuition shall continue for a period not to exceed the time remaining in the term of the nominating legislator from the time such appointment begins, unless his scholarship has ceased from other causes. Provides that the same student may be appointed in successive years and that when a scholarship becomes vacant, from any cause, the legislator who appointed the previous student, or his successor, shall, in the manner prescribed by these provisions, immediately name a successor.

Proposed law retains these provisions.

Proposed law (R.S. 17:1891) provides that, effective for the 2015-2016 academic year and thereafter, all free tuition granted by Tulane University through the Tulane Legislative

Scholarship Program established pursuant to Act No. 43 of 1884 RS, as amended, shall be awarded as follows:

- (1) Provides that proposed law shall be known and may be cited as the "Legislative Scholarship Fairness Act".
- (2) Each Tulane Legislative Scholarship shall provide one year of full undergraduate tuition for La. residents who meet the eligibility criteria requirements established by Tulane University and the provisions of proposed law.
- (3) Nominations for a scholarship period of less than one year, may be made if the student will be graduating before the end of the academic year.
- (4) No legislator can nominate a member of his immediate family for a Tulane Legislative Scholarship.
- (5) No La. elected official is eligible to receive a Tulane Legislative Scholarship.
- (6) No person who is a member of the immediate family of a statewide elected official or who is elected to represent Louisiana in the Congress of the United States, shall be eligible to receive a Tulane Scholarship.
- (7) Authorizes a legislator to establish his own selection criteria and directly nominate a student for a Tulane Legislative Scholarship or request Tulane University to award the scholarship on his behalf through an open competition in accordance with eligibility criteria established by the university.
- (8) Provides that if possible, the scholarship shall be awarded to a student who resides in the legislator's district.
- (9) Provides that if there is no qualified student available from a legislator's district, an otherwise qualified student shall be selected, on the basis of demonstrated need, from a statewide pool of Louisiana residents who have been accepted for admission to Tulane University.
- (10) Provides that utilizing open competition, the legislator agrees to allow the university to award his Tulane Legislative Scholarship to the same student every year until the student graduates, or until the legislator's term ends or his otherwise leaves office.
- (11) Requires information regarding the existence of the Tulane Legislative Scholarship to be published on the legislature's website which shall include a link to the Tulane University website where potential recipients can obtain an application form and detailed information on scholarship eligibility, criteria, guidelines, deadlines, and other program requirements.
- (12) Requires Tulane University to publish annually on the Tulane University website, Tulane Legislative Scholarship Program information including: (1) the name and city of residence of each scholarship recipient, (2) the name and district number of the nominating legislator, and, (3) if related to an elected official, the name of the elected official to whom the recipient is related.

Prohibits publication of Tulane Legislative Scholarship information in violation of state or federal law, including the Federal Education Rights Privacy Act (FERPA).

- (13) Defines immediate family of a legislator, as provided by R.S. 42:1102(13), which is his children, spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse.

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

(Amends R.S. 17:1891)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Clarifies that no legislator shall nominate a member of his own immediate family for a Tulane Legislative Scholarship.
2. Prohibits a member of the immediate family of a statewide elected official or who is elected to represent Louisiana in the Congress of the United States from being eligible to receive a Tulane Scholarship.
3. Provides that, at a minimum, the selection process established for open competition shall provide that, if possible, the scholarship shall be awarded to a student who resides in the legislator's district. If no qualified student is available from a legislator's district, an otherwise qualified student shall be selected on a basis of demonstrated need from a statewide pool of Louisiana residents who have been accepted for admission to Tulane University.
4. Removes provisions giving a preference to surviving children of members of the U.S. armed forces, employees of the U.S. Department of State, and law enforcement and other public personnel killed while on active duty.
5. Removes provision that a scholarship recipient perform twice the number of public service hours required by the university.
6. Requires Tulane University to send notification to each legislator who utilizes open competition selection regarding the student selected to receive his legislative scholarship.
7. If a legislator utilizes open competition, he agrees to allow the university to award his Tulane Legislative Scholarship to the same student every year until the student graduates, or until the legislator's term ends or he otherwise leaves office.
8. Provides that information regarding the existence of the Tulane Legislative Scholarship Program shall be published on the legislature's website which shall include a link to the Tulane University website with information regarding the scholarship program.
9. Removes provision that no legislator may receive or accept campaign contributions from a scholarship recipient or relative of a recipient of a Tulane Legislative Scholarship.
10. Defines immediate family of a legislator, as provided in the ethics code, as his children, spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse.

Senate Floor Amendments to engrossed bill

1. Specifies that annual listing of recipients shall be on the Tulane University website.