

SENATE BILL NO. 48

BY SENATORS DONAHUE AND APPEL AND REPRESENTATIVES BURRELL,
CARMODY, CARTER, KLECKLEY AND SEABAUGH

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

VETOED
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Veto Message

1 AN ACT

2 To amend and reenact R.S. 17:3048.1(A)(1)(b)(i) and to enact R.S. 17:3048.1(Z), 5002(A),
3 (B), and (D), and 5024(B)(1)(a), relative to the Taylor Opportunity Program for
4 Students; to provide relative to the minimum American College Test score required
5 for eligibility for the Opportunity award; to provide with respect to the monetary
6 amounts for awards granted pursuant to the program; to provide relative to future
7 increases in award amounts; to provide for effectiveness; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:3048.1(A)(1)(b)(i) is hereby amended and reenacted and R.S.
11 17:3048.1(Z) is hereby enacted to read as follows:

12 §3048.1. Program awards; eligibility; amounts; limitations; funding; administration

13 A.(1) As part of the Louisiana Taylor Opportunity Program for Students, the
14 state shall financially assist any student who enrolls on a full-time basis in a public
15 college or university in this state or a regionally accredited independent college or
16 university in the state that is a member of the Louisiana Association of Independent
17 Colleges and Universities, hereafter in this Chapter referred to collectively as
18 "eligible colleges or universities", to pursue an academic undergraduate degree or,
19 as provided by this Subsection, skill or occupational training as defined by the
20 administering agency including a vocational or technical education certificate or
21 diploma program or a nonacademic undergraduate degree, and who meets the
22 qualifications of Subparagraph (b), (c), or (d) of this Paragraph and all of the
23 applicable following qualifications:

24 (a) * * *

1 (b)(i) Has been certified as provided in Subsection D of this Section to have
2 graduated from a public high school or a nonpublic high school which has been
3 approved by the State Board of Elementary and Secondary Education, has a
4 minimum cumulative grade point average of 2.50 calculated on a 4.00 scale, has a
5 composite score on the 1990 version of the American College Test which is at least
6 equal to or higher than the state's average composite score, ~~rounded to the nearest~~
7 ~~whole number~~ **truncated to a whole number**, reported for the prior year, but never
8 less than twenty, or an equivalent concordant value on an enhanced or revised
9 version of such test or on the Scholastic Aptitude Test, and, unless granted an
10 exception for cause by the administering agency, has enrolled in an eligible college
11 or university as a first-time freshman not later than the semester, excluding summer
12 semesters or sessions, immediately following the first anniversary of the date that the
13 student graduated from high school or, if the student joins the United States Armed
14 Forces within one year after graduating from high school, has enrolled in an eligible
15 college or university as a first-time freshman not later than the semester, excluding
16 summer semesters or sessions, immediately following the fifth anniversary of the
17 date that the student graduated from high school; however, effective for the 1996-
18 1997 school year and thereafter, if, on or prior to the fifth anniversary of the date that
19 the student graduated from high school, the student reenlists in the United States
20 Armed Forces and maintains continuous active duty, the five-year period shall be
21 extended to the semester immediately following the one-year anniversary of the
22 student's separation from active duty service. As distinguished from all other
23 students qualifying for this program, a student who meets the requirements of this
24 Subparagraph shall be the recipient of an "Opportunity Award" for the purposes of
25 this program.

26 * * *

27 **Z.(1) Notwithstanding any provision of this Chapter to the contrary,**
28 **beginning with the 2016-2017 award year, the amount awarded by the state to**
29 **a student who is the recipient of any award granted pursuant to this Chapter**
30 **shall be equal to the award amount paid for the 2015-2016 award year at the**

1 postsecondary institution in which the student is enrolled.

2 (2)(a) Beginning with the 2016-2017 award year, the legislature may, by
 3 law, increase the amount awarded by the state at a postsecondary institution in
 4 any given award year to a student who is the recipient of any award granted
 5 pursuant to this Chapter.

6 (b) Any increase in award amounts at a postsecondary institution
 7 granted by the legislature pursuant to this Paragraph shall be established as the
 8 minimum amount to be awarded to a student who is the recipient of any award
 9 granted pursuant to this Chapter, subject to any limitations on award amounts
 10 otherwise imposed by this Chapter.

11 (c) In no case shall the amount awarded to a student who is the recipient
 12 of any award pursuant to this Chapter be less than the amount paid for the
 13 previous award year at the postsecondary institution in which the student is
 14 enrolled, subject to any limitations on award amounts otherwise imposed by this
 15 Chapter.

16 (3) The award amounts as provided in this Subsection shall be exclusive
 17 of any additional amounts awarded to students who receive a Performance
 18 Award or an Honors Award.

19 Section 2. R.S. 17:5002(A), (B), and (D) and 5024(B)(1)(a) are hereby enacted to
 20 read as follows:

21 §5002. Awards and amounts

22 A.(1) A student shall be eligible for an Opportunity, Performance,
 23 Honors, or TOPS-Tech Award based on his academic achievement.

24 (2) The award amount as provided for in Subsection B or D of this
 25 Section at any given institution shall be equal to the award amount paid for a
 26 student at that institution during the 2015-2016 academic year unless the
 27 legislature, by law, increases the award amount.

28 B. Any student who is eligible for an Opportunity, Performance, or
 29 Honors Award pursuant to this Chapter and who has enrolled:

30 (1) In any public college or university in this state, shall be awarded by

1 the state an amount determined by the administering agency to equal the tuition
2 charged by the public college or university during the 2015-2016 academic year.

3 (2) At any regionally accredited independent college or university in the
4 state which is a member of the Louisiana Association of Independent Colleges
5 and Universities to pursue an academic undergraduate degree, shall be awarded
6 by the state an amount to be determined by the administering agency to equal
7 the weighted average of amounts paid under this Section for students attending
8 public colleges and universities that offer academic undergraduate degrees at
9 the baccalaureate level during the 2015-2016 academic year.

10 (3) In a school that has a valid and current certificate of registration
11 issued by the Louisiana State Board of Cosmetology in accordance with law and
12 that is accredited by an accrediting organization recognized by the United
13 States Department of Education or in any proprietary school that has a valid
14 and current license issued by the Board of Regents in accordance with law and
15 that is accredited by an accrediting organization recognized by the United
16 States Department of Education, shall be awarded by the state an amount
17 determined by the administering agency to equal the weighted average of
18 amounts paid under this Section for students attending public colleges and
19 universities during the 2015-2016 academic year and who are enrolled in the
20 permitted skill or occupational training, as may be applicable.

21 (4) In an out-of-state college or university that is specifically designed to
22 accommodate deaf and hard-of-hearing students under R.S. 17:5027(C), shall
23 be awarded an amount determined by the administering agency to equal the
24 weighted average of amounts paid under this Section for students attending
25 Louisiana public colleges and universities that offer academic undergraduate
26 degrees during the 2015-2016 academic year.

27 * * *

28 D.(1) Any student who is eligible for a TOPS-Tech Award pursuant to
29 this Chapter and who is enrolled in an eligible public college or university that
30 does not offer an academic undergraduate degree at the baccalaureate level

1 shall be awarded by the state an amount determined by the administering
2 agency to equal the tuition charged by the college or university during the 2015-
3 2016 academic year.

4 (2) Any student who is eligible for a TOPS-Tech Award pursuant to this
5 Chapter and who is enrolled in an eligible college or university other than as
6 provided for in Paragraph (1) of this Subsection shall be awarded by the state
7 an amount determined by the administering agency to equal the weighted
8 average of amounts paid to students attending an eligible public college or
9 university that does not offer an academic undergraduate degree at the
10 baccalaureate level during the 2015-2016 academic year.

11 * * *

12 §5024. Academic requirements

13 * * *

14 B.(1) Except as otherwise provided by this Subsection, a student shall
15 earn the following minimum test scores for the respective awards:

16 (a) For an Opportunity Award, a composite score on the 1990 version of
17 the ACT which is at least equal to or higher than the state's average composite
18 score, truncated to a whole number, reported for the prior year but never less
19 than twenty or an equivalent concordant value on an enhanced or revised
20 version of such test or on the SAT.

21 * * *

22 Section 3. References to R.S. 17:5002 and 5024 in this Act refer to those Sections
23 as enacted in the Act that originated as House Bill No. 705 of this 2015 Regular Session of
24 the Legislature.

25 Section 4.(A) Sections 1 and 2 of this Act are intended to achieve the same purpose
26 but are drafted differently. Section 1 amends provisions of law as they are presently.
27 Section 2 amends provisions of law as they will be if House Bill No. 705 of this 2015
28 Regular Session of the Legislature becomes law. Only one of the two Sections shall be
29 given effect as specifically provided in Section 5 of this Act.

30 (B) Regarding any conflict between the provisions of this Act and the provisions of

1 the Act that originated as House Bill No. 705 of this 2015 Regular Session of the
2 Legislature, the provisions this Act shall supercede and control regardless of the order of
3 passage.

4 Section 5.(A) If House Bill No. 705 of this 2015 Regular Session of the Legislature
5 becomes law, the provisions of Section 1 of this Act shall not become effective.

6 (B) If House Bill No. 705 of this 2015 Regular Session of the Legislature does not
7 become law, the provisions of Section 2 of this Act shall not become effective.

8 Section 6. This Act shall become effective upon signature by the governor or, if not
9 signed by the governor, upon expiration of the time for bills to become law without signature
10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
12 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

VETO MESSAGE

"Senate Bill No. 48 caps funding for the TOPS scholarship program. I made a promise to the students and families of this state that a TOPS scholarship would be available to every child who worked hard and met the performance criteria established by law-this legislation would renege on that promise. Every year, 34.4 percent of Louisiana first-time freshmen who attend college in Louisiana do so with a TOPS scholarship. Since TOPS was created, it has aided our state by sending nearly half a million students to college who may otherwise not have been able to go.

TOPS has been a great investment for the state:

- It has increased ACT scores, an indicator of college readiness. TOPS recipients' average score is 21.4, while non-TOPS recipients average 16.7.
- Only 43% of freshmen, who meet the high school course requirements for TOPS, require remediation, but 89% of freshmen who do not meet those course requirements, need remediation.
- TOPS has increased college student retention rates from first to second year and second to third year. While 89% of TOPS' recipients continue to their sophomore year, 72% of non-TOPS' recipients do. The disparity is even larger between sophomore and junior year: 82% of TOPS' recipients continue compared to 61% of non-TOPS recipients.
- Finally, TOPS encourages students to graduate. Sixty-two percent of TOPS recipients finish at four-year universities in six years versus only 32% of students who do not receive TOPS.

For these reasons, I have vetoed Senate Bill No. 48 and hereby return it to the Senate."