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## DIGEST

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HB 66 Original

2015 Regular Session

Carmody

**Abstract:** Authorizes public institutions of higher education to establish their own tuition and fees independent of legislative action or performance measures under the GRAD Act.

Present constitution requires all fee increases to be enacted by a two-thirds vote of the legislature (Art. VII, Sec. 2.1) which includes student tuition and fees charged by state institutions of higher education. Absent this constitutional constraint, the management boards of the various institutions of higher education, 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, would have the ability to provide with respect to tuition and fees under their general managerial authorities (Art. VIII, Sec. 5(E)). Proposed law does not change present law but it is conditioned upon the passage of a constitutional amendment proposed in another legislative instrument that would, instead, provide that tuition and fees are to be enacted "as provided by law" which is set forth below.

Proposed law authorizes each institution of higher education to establish its own tuition and fees, including the base tuition, tuition enhancements, differential tuition (an amount that deviates from the base tuition based on the student's major), tiered tuition (an amount that differs depending on the year the student entered the institution), proportional tuition (for part-time students or summer school), per-credit-hour tuition, online tuition, tuition incentives, and tuition waivers.

Proposed law requires each institution to establish a procedure for setting the amount of tuition or fee, which procedure must include a public hearing, noticed 30 days in advance, for any new tuition or fee or an increase to existing costs. Proposed law specifically excludes additional costs from being paid under the TOPS program or becoming effective during an ongoing semester or term.

Though statutorily provided tuition and fees of public institutions of higher education are being removed from the La. Revised Statutes (R.S. 17:1501.2, 1835, 1855, 1855.1, 1871(C), 1997.1, 1997.2, 2136, 3129.5, 3139.5(1)-(4), 3223(B)(5), 3351(A)(5), 3351.1, 3351.3, 3351.5-3351.15, 3351.17, 3351.18, and 3351.19) under proposed law, all such tuition and fees existing as of Dec. 31, 2015, are being retained, subject to change as provided by proposed law, in the same amounts, for the same purposes, and with the same limitations imposed. Such tuition and fees being retained include not only those which are statutorily provided but also those which were provided for by the management boards of the various institutions, established in uncodified law, or otherwise imposed by the institution.

Under proposed law, the only substantive change with respect to any existing tuition or fee is the

severing of tuition autonomies from the La. Granting Resources and Autonomy for Diploma (GRAD) Act. While all tuition increases authorized under the GRAD Act are being retained, tuition incentives are being removed as a GRAD Act autonomy under proposed law.

Proposed law retains present law with respect to notice of tuition waivers and the required tuition for nonresident students.

Effective if and when the proposed amendment of Article \_\_\_ of the Constitution of La. contained in the Act which originated as House Bill No. \_\_\_ of this 2015 R.S. of the Legislature is adopted at a statewide election and becomes effective.

(Adds R.S. 17:1651; Repeals R.S. 17:1501.2, 1835, 1855, 1855.1, 1871(C), 1997.1, 1997.2, 2136, 3129.5, 3139.5(1)-(4), 3223(B)(5), 3351(A)(5), 3351.1, 3351.3, 3351.5-3351.15, 3351.17, 3351.18, and 3351.19; Redesignates R.S. 17:3139.5(5) and (6))