
DIGEST

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HB 66 Engrossed

2015 Regular Session

Carmody

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

Present constitution (Art. VII, Sec. 2.1(A)) requires all fee increases to be enacted by a two-thirds vote of the legislature, which includes student tuition and fees charged by public postsecondary education institutions. Absent this constitutional constraint, the institutions' management boards 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 is conditioned on the passage of a constitutional amendment proposed in another legislative instrument (HB No. 61) 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 public postsecondary education institution to establish its own tuition and fees, including the base tuition, tuition enhancements, differential tuition (amount that deviates from the base tuition based on the student's major), tiered tuition (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 and fees, which 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 prohibits tuition attributable to an increase or new tuition approved or implemented after Dec. 1, 2015, from being paid under the TOPS program. Also prohibits a tuition increase or new tuition or from becoming effective during an ongoing semester or term.

Though statutorily provided tuition and fees of public postsecondary education institutions 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, 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 Arts. VII and VIII, Sec. 2.1(C) of the Constitution of La. contained in the Act which originated as House Bill No. 61 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))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Remove requirement that tuition and fee amounts for nonresident students be at least equal to the average amount for such students at peer institutions in other Southern Regional Education Bd. states.
2. Make technical changes.