

First Extraordinary Session, 2005

HOUSE BILL NO. 142

BY REPRESENTATIVES SALTER, SCALISE, SCHNEIDER, THOMPSON, AND  
WALSWORTH

1 AN ACT

2 To enact R.S. 17:3048.6, relative to continuing eligibility requirements for Tuition  
3 Opportunity Program for Students' awards applicable to students displaced as a  
4 consequence of certain natural disasters; to provide legislative findings; to provide  
5 definitions; to provide waivers and exceptions to certain program requirements and  
6 conditions; to provide applicability; to provide limitations; to provide relative to the  
7 authority of the Louisiana Student Financial Assistance Commission, including but  
8 not limited to requiring the adoption of certain rules relative to program waivers and  
9 exceptions; to provide legislative oversight; to provide for implementation; to  
10 provide an effective date; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 17:3048.6 is hereby enacted to read as follows:

13 §3048.6. Continuing eligibility for program awards; students displaced by certain  
14 natural disasters; waivers and exceptions; limitations

15 A.(1) The legislature finds that due to the effects of natural disasters declared  
16 by the governor on August 26, 2005, relative to Hurricane Katrina, and on September  
17 20, 2005, relative to Hurricane Rita, it is in the best interest for the education of the  
18 people of the state that continuing eligibility requirements established in R.S.  
19 17:3048.1 for awards pursuant to the Tuition Opportunity Program for Students be  
20 modified as provided by this Section for the 2005-2006 academic year for students  
21 displaced as a result of either, or both, of the disasters.

1                   (2) For the purposes of this Section, the phrase "a student displaced as a  
 2                   result of either, or both, of the disasters", hereinafter referred to in this Section as a  
 3                   "displaced student", shall mean a person who meets any of the following conditions:

4                   (a) The person, on August 26, 2005, was eligible for or had a program award  
 5                   and had a home of record in Jefferson, Lafourche, Orleans, Plaquemines, St.  
 6                   Bernard, St. Tammany, Tangipahoa, or Washington Parish.

7                   (b) The person, on September 20, 2005, was eligible for or had a program  
 8                   award and had a home of record in Acadia, Allen, Beauregard, Calcasieu, Cameron,  
 9                   Iberia, Jefferson Davis, St. Mary, Terrebonne, or Vermilion Parish.

10                  (c) The person, on August 26, 2005, was eligible for or had a program award  
 11                  and was enrolled in an eligible Louisiana institution listed below:

- 12                  (i) Delgado Community College
- 13                  (ii) Dillard University
- 14                  (iii) Louisiana State University Health Sciences Center at New Orleans
- 15                  (iv) Louisiana Technical College: Jefferson, Sidney N. Collier, Slidell,  
 16                  Sullivan, and West Jefferson campuses
- 17                  (v) Loyola University
- 18                  (vi) New Orleans Baptist Theological Seminary
- 19                  (vii) Nunez Community College
- 20                  (viii) Our Lady of Holy Cross College
- 21                  (ix) St. Joseph Seminary College
- 22                  (x) Southern University at New Orleans
- 23                  (xi) Tulane University
- 24                  (xii) University of New Orleans
- 25                  (xiii) Xavier University

26                  (d) The person, on September 20, 2005, was eligible for or had a program  
 27                  award and was enrolled in McNeese State University or Sowela Technical  
 28                  Community College.

29                  (3) For the purposes of Subparagraphs (2)(a) and (b) of this Subsection,  
 30                  "home of record" for a dependent student shall mean the domiciliary address of the

1            student's parent or court-ordered custodian and for an independent student shall mean  
2            the domiciliary address of such student.

3            B.(1) Relative to continuing eligibility requirements for a Tuition  
4            Opportunity Program for Students' award applicable for the 2005-2006 academic  
5            year to a student displaced during the 2005-2006 academic year, the Louisiana  
6            Student Financial Assistance Commission, in accordance with the Administrative  
7            Procedure Act, shall provide by rule as follows:

8            (a)(i) The provisions of R.S. 17:3048.1(W) permitting a student qualified  
9            for a program award who enrolls as a first-time freshman in an eligible out-of-state  
10           college or university to subsequently use the award at an eligible Louisiana college  
11           or university shall apply to a displaced student except that the time period of award  
12           eligibility shall not be reduced due to the student's attendance at an eligible out-of-  
13           state institution during the 2005-2006 academic year.

14           (ii) Relative to a displaced student having a suspended program award due  
15           to the student not meeting a requirement relative to having a specified grade point  
16           average or making steady academic progress, the respective time periods provided  
17           in R.S. 17:3048.1 for the student to meet such requirement or lose program eligibility  
18           shall be extended on a one-for-one basis for each semester or other term in which the  
19           student does not enroll on a full-time basis in an eligible college or university during  
20           the 2005-2006 academic year.

21           (iii) The program award for a displaced student shall not be canceled if the  
22           student enrolls during the 2005-2006 academic year in an eligible out-of-state  
23           institution subsequent to use of a program award at an eligible Louisiana college or  
24           university. Additionally, the periods of time provided in R.S. 17:3048.1 for use by  
25           eligible recipients of program awards shall not be reduced for those semesters or  
26           terms such displaced student was enrolled in an eligible out-of-state institution  
27           during the 2005-2006 academic year and the unused period of time shall remain  
28           available to the displaced student for use at an eligible Louisiana college or  
29           university.

1           (iv) In addition to the provisions of R.S. 17:3048.1(B)(2) permitting a  
2           recipient to use a TOPS-Tech Award at an eligible Louisiana college or university  
3           to pursue skill or occupational training, as defined by the Board of Regents,  
4           including a vocational or technical education certificate or diploma program or a  
5           nonacademic degree, a TOPS-Tech Award also may be used during the 2005-2006  
6           academic year by a displaced student to enroll on a full-time basis at an eligible  
7           Louisiana college or university granting academic undergraduate degrees to take  
8           courses that contribute to the pursuit of a skill or occupation. In such case, the award  
9           amount paid by the state on behalf of the student shall be at the Opportunity Award  
10           level.

11           (2)(a)(i) Relative to continuing eligibility requirements for a Tuition  
12           Opportunity Program for Students' award applicable for the 2005-2006 academic  
13           year to a student displaced during the 2005-2006 academic year, the Louisiana  
14           Student Financial Assistance Commission, in consultation with the commissioner of  
15           higher education and in accordance with the Administrative Procedure Act, shall by  
16           rule waive any provision of R.S. 17:3048.1 that imposes on a displaced student a  
17           program requirement or condition that such student cannot comply with or meet  
18           when it is determined by the commission that a failure to comply with the  
19           requirement or meet the condition, more likely than not, is due solely to a  
20           consequence of Hurricane Katrina or Rita, or both.

21           (ii) Relative to continuing eligibility requirements for a Tuition Opportunity  
22           Program for Students' award applicable for the 2005-2006 academic year to any  
23           student displaced during the 2005-2006 academic year as a consequence of a disaster  
24           or emergency other than Hurricane Katrina or Rita and for which the governor  
25           declares a state of emergency to exist, the Louisiana Student Financial Assistance  
26           Commission, in consultation with the commissioner of higher education and in  
27           accordance with the Administrative Procedure Act, shall by rule waive any provision  
28           of R.S. 17:3048.1 that imposes on such student a program requirement or condition  
29           that the student cannot comply with or meet when it is determined by the  
30           commission that a failure to comply with the requirement or meet the condition,

1 more likely than not, is due solely to a consequence of the declared disaster or  
2 emergency.

3 (b) In addition to provisions of the Administrative Procedure Act relative to  
4 oversight by the legislature of the adoption of commission rules, the Joint Legislative  
5 Committee on the Budget, in accordance with procedures and threshold amounts  
6 established by the committee, shall have oversight and approval authority over any  
7 rule proposed for adoption pursuant to the provisions of this Paragraph that has a  
8 significant program or other cost, or both, to the state.

9 C. The Louisiana Student Financial Assistance Commission shall take all  
10 administrative action necessary to expedite full implementation of the provisions of  
11 this Section. The commission also shall disseminate information to displaced  
12 students and others regarding program changes pursuant to the provisions of this  
13 Section in the most timely manner possible.

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_