

Regular Session, 2014

HOUSE BILL NO. 307

BY REPRESENTATIVE RITCHIE

STUDENT/LOANS-SCHOLARSHIP: Concerning Tulane University scholarships for students nominated by legislators, provides relative to requirements, procedures, limitations, and publication of information

1 AN ACT

2 To enact R.S. 17:1891, relative to the granting of free tuition to Tulane University by the  
3 Administrators of the Tulane Educational Fund; to provide relative to nominations  
4 by legislators of students to receive scholarships providing such free tuition; to  
5 provide for duration, requirements, limitations, prohibitions, procedures, and  
6 publication of certain information relative to such scholarships; to provide for  
7 applicability and effectiveness; to provide for placement of the provisions of this Act  
8 in the Louisiana Revised Statutes of 1950 by the Louisiana State Law Institute; and  
9 to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:1891 is hereby enacted to read as follows:

12 §1891. Tulane University; free tuition for students nominated by members of the  
13 legislature

14 A. For purposes of this Section:

15 (1) "Campaign contribution" means a "contribution" as defined in R.S.  
16 18:1483 and shall also include a loan. "Loan" and "principal campaign committee"  
17 have the definitions provided in R.S. 18:1483.

18 (2) "Immediate family" means the person's spouse, children, brothers, sisters,  
19 parents, grandparents, uncles, and aunts, and the person's spouse's parents, children's  
20 spouses, brothers' spouses, sisters' spouses, uncles' spouses, and aunts' spouses.

1           (3) "Legislative scholarship" means a grant of free tuition to Tulane  
2           University pursuant to Act No. 43 of the 1884 Regular Session of the Legislature as  
3           amended and this Section.

4           (4) "Nominee" means a student nominated by a legislator to be granted a  
5           legislative scholarship.

6           (5) "Reporting period" means "reporting period" as defined in R.S. 18:1483,  
7           but shall not include the reporting period for any supplemental report required by  
8           R.S. 18:1491.6(D) or 1495.4(D) after the final report for the election.

9           (6) "Scholarship recipient" means a student who receives a legislative  
10          scholarship.

11          (7) "Tulane University Legislative Scholarship Program" means the program  
12          established by the Administrators of the Tulane Educational Fund pursuant to Act  
13          No. 43 of the 1884 Regular Session of the Legislature as amended and this Section  
14          to grant free tuition to students nominated by legislators therefor.

15          B. Pursuant to Act No. 43 of the 1884 Regular Session of the Legislature as  
16          amended, each state legislator has the right to appoint one student to receive a  
17          legislative scholarship. The Administrators of the Tulane Educational Fund shall  
18          administer applications for and granting of legislative scholarships as provided in  
19          this Section. The requirements of this Section shall be in addition to those of Act  
20          No. 43 of the 1884 Regular Session of the Legislature as amended.

21          C. A legislator may nominate a student for a legislative scholarship directly  
22          or request the Administrators of the Tulane Educational Fund to award a legislative  
23          scholarship on the legislator's behalf through an open competition, all in accordance  
24          with the eligibility criteria established by the Administrators of the Tulane  
25          Educational Fund and as provided in this Section.

26          D. Each nominee:

27          (1) Shall meet all requirements for admission to a full-time undergraduate  
28          division of the university established by the Administrators of the Tulane  
29          Educational Fund.

1           (2) In accordance with procedures determined by the Administrators of the  
2           Tulane Educational Fund and administered by the university, shall meet eligibility  
3           requirements and other requirements established by the Administrators of the Tulane  
4           Educational Fund for the Tulane University Legislative Scholarship Program and as  
5           provided in this Section and Act No. 43 of the 1884 Regular Session of the  
6           Legislature as amended.

7           (3) Shall be a resident of the state, and if the university determines that there  
8           is at least one qualified applicant from the legislator's district, be a resident of the  
9           district, notwithstanding any provision of Act No. 43 of the 1884 Regular Session  
10          of the Legislature as amended to the contrary.

11          (4) Shall not be a member of the immediate family of the legislator who  
12          nominated the nominee.

13          (5) Shall not be an elected official of state or local government in Louisiana  
14          or a member of the United States Senate or United States House of Representatives  
15          from Louisiana.

16          E.(1) No legislator shall nominate a student for a legislative scholarship if  
17          the student or a member of the student's immediate family has made a campaign  
18          contribution to the nominating legislator or to the legislator's principal campaign  
19          committee during the legislator's then current term of office or during any reporting  
20          period for the primary or general election of the legislator to his then current term of  
21          office.

22          (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, a  
23          student may be nominated if any campaign contribution that would prevent the  
24          student's nomination, as provided in Paragraph (1) of this Subsection, is returned by  
25          the legislator or his principal campaign committee, as the case may be, to the  
26          contributor before the nomination is made.

27          (3) Each legislator shall submit to the Administrators of the Tulane  
28          Educational Fund with each nomination of a student for a legislative scholarship a

1 statement, signed by the legislator, certifying that he is knowledgeable of and in  
2 compliance with the requirements of this Subsection.

3 F. Each scholarship recipient shall receive one academic year of free tuition.

4 A legislative scholarship may be granted for less than an academic year to a student  
5 who will graduate before the end of the academic year. Whenever a legislative  
6 scholarship becomes vacant from any cause, the senator or representative who  
7 nominated the previous scholarship recipient, or his successor in the office of senator  
8 or representative, shall immediately name a successor. A legislative scholarship  
9 shall not continue for a period exceeding the time remaining in the term of the  
10 nominating legislator; except a legislative scholarship that is in effect when the term  
11 of a legislator expires or a legislator vacates his office shall continue for the  
12 remainder of the academic year for which it was awarded unless vacated for other  
13 causes.

14 G.(1) Each member of the legislature shall publish on his official legislative  
15 website information about the Tulane University Legislative Scholarship Program.  
16 Such information shall include, at a minimum, information about scholarship  
17 eligibility criteria and the individual legislator's selection process, and a link to the  
18 Tulane University website where detailed information about scholarship eligibility  
19 criteria, guidelines, deadlines, and other program requirements is provided.

20 (2) The Administrators of the Tulane Educational Fund shall publish  
21 annually on Tulane University's website the following information relative to the  
22 scholarship program:

23 (a) The name and parish of residence of each scholarship recipient.

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

26 (c) If the scholarship recipient is a member of the immediate family of one  
27 or more elected officials, the name of and the office held by each such elected  
28 official as provided by the scholarship recipient.

1           (3) No information shall be published pursuant to this Subsection in violation  
 2           of any state or federal law, including the Family Educational Rights and Privacy Act  
 3           of 1974 as amended.

4           Section 2. The provisions of this Act are applicable to the awarding of scholarships  
 5 by the Tulane University Legislative Scholarship Program for the 2015-2016 academic year  
 6 and thereafter.

7           Section 3. The Louisiana State Law Institute shall place R.S. 17:1891 as enacted by  
 8 this Act within Chapter 6 of Title 17 of the Louisiana Revised Statutes of 1950.

9           Section 4. This Act shall become effective upon signature by the governor or, if not  
 10 signed by the governor, upon expiration of the time for bills to become law without signature  
 11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 12 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 13 effective on the day following such approval.

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Ritchie

HB No. 307

**Abstract:** Relative to granting of free tuition to Tulane University to students nominated by legislators, provides for certain requirements, procedures, and prohibitions and provides for publication of certain information.

Present constitution (Const. Art. VIII, §14) provides that The Tulane University of Louisiana in New Orleans is recognized as created and to be developed in accordance with Act No. 43 approved July 5, 1884.

Present law (Acts 1884, No. 43 as amended) provides for the administrators of Tulane University (referred to as the "board") to give free tuition to students nominated by legislators. This is in consideration of the vesting of the administration of the then University of Louisiana in the Tulane board, of the transfer of the rights, powers, privileges, franchises, and immunities of that university to the Tulane board, and of the exemption of the university from certain taxation as provided in the Act, as well as the board's waiver of all legal claim upon the state for any appropriation in favor of the University of Louisiana.

Present law (Acts 1884, No. 43 as amended) provides that each member of the legislature shall have the right to nominate one student from among the citizens of the state. Provides that each nominee shall comply with the requirements for admission established by the board.

Proposed law defines:

- (1) "Campaign contribution" – a "contribution" as defined in the Campaign Finance Disclosure Act (CFDA) or a loan to the legislator or his principal campaign committee. Provides that "loan" and "principal campaign committee" are defined as provided in the CFDA.
- (2) "Immediate family" – the person's spouse, children, brothers, sisters, parents, grandparents, uncles, and aunts, and the person's spouse's parents, children's spouses, brothers' spouses, sisters' spouses, uncles' spouses, and aunts' spouses.
- (3) "Legislative scholarship" – a grant of free tuition to Tulane University pursuant to Act No. 43 of the 1884 Regular Session of the Legislature as amended and this Act.
- (4) "Nominee" – a student nominated by a legislator to be granted a legislative scholarship.
- (5) "Reporting period" – the definition in the CFDA applies, excluding reporting periods for supplemental reports after the final report for an election.
- (6) "Tulane University Legislative Scholarship Program" – the program established by the Administrators of the Tulane Educational Fund pursuant to present law and proposed law to grant free tuition to students nominated by legislators therefor.

Proposed law (R.S. 17:1891) provides that, pursuant to present law, each legislator has the right to appoint one student to receive a legislative scholarship. Requires the Administrators of the Tulane Educational Fund (referred to in this digest as "the administrators") to administer applications for and granting of legislative scholarships as provided in proposed law. Provides that the provisions of proposed law are in addition to those of present law.

Proposed law authorizes a legislator to nominate a student for a legislative scholarship directly or to request the administrators to award a scholarship on the legislator's behalf through an open competition, all in accordance with the eligibility criteria established by the administrators and as provided in proposed law.

Proposed law requires that each nominee:

- (1) Meet all requirements for admission to a full-time undergraduate division of the university established by the administrators.
- (2) In accordance with procedures determined by the administrators and administered by the university, meet eligibility requirements and other program requirements established by the administrators and as provided in present law and proposed law.
- (3) Be a resident of the state, and if the university determines that there is at least one qualified applicant from the legislator's district, be a resident of the district, notwithstanding any contrary provision of Acts 1884, No. 43 as amended.
- (4) Shall not be an immediate family member of the nominating legislator.
- (5) Shall not be an elected official of state or local government in La. or a member of the U.S. Senate or U.S. House of Representatives from La.

Proposed law prohibits nomination of a student if the student or a member of the student's immediate family has made a campaign contribution to the nominating legislator during the legislator's then current term or during any reporting period for the primary or general election of the legislator to his then current term. However, allows the student to be nominated if any campaign contribution that would prevent the student's nomination is returned by the legislator to the contributor before the nomination is made. Requires a legislator to submit to the administrators with each nomination a signed statement certifying

that the legislator is knowledgeable of and in compliance with these requirements concerning campaign contributions.

Present law provides that 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 the scholarship has ceased from other causes. Provides that appointment of the same student in successive years is not prohibited. Requires that when a scholarship becomes vacant from any cause, the senator or representative who appointed the previous student, or his successor, shall immediately name a successor.

Proposed law provides that the scholarship recipient shall receive one academic year of free tuition. Allows granting free tuition for less than an academic year to a student who will graduate before the end of the academic year. Provides that the scholarship shall not continue for a period exceeding the time remaining in the term of the nominating legislator, except specifies that a legislative scholarship that is in effect when the term of a legislator expires or a legislator vacates his office shall continue for the remainder of the academic year for which it was awarded unless vacated for other causes. Retains other provisions of present law.

Proposed law requires each legislator to publish on his official legislative website information about the Tulane scholarship program, including at least information about scholarship eligibility criteria, the individual legislator's selection process, and a link to the Tulane University website where detailed information about scholarship eligibility criteria, guidelines, deadlines, and other program requirements is provided.

Proposed law requires the administrators to publish annually on Tulane's website:

- (1) Each scholarship recipient's name and parish of residence.
- (2) The name and district number of each scholarship recipient's nominating legislator.
- (3) If the scholarship recipient is a member of the immediate family of one or more elected officials, the name of and the office held by each such elected official as provided by the scholarship recipient.

Prohibits, however, publication of any information in violation of any state or federal law, including the Family Educational Rights and Privacy Act of 1974 as amended (FERPA).

Proposed law specifies that it is applicable to the awarding of scholarships by the Tulane University Legislative Scholarship Program for the 2015-2016 academic year and thereafter.

Provides that the La. State Law Institute shall place R.S. 17:1891 in Chapter 6 of Title 17 of the La. R.S.

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

(Adds R.S. 17:1891)

#### Summary of Amendments Adopted by House

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

1. Specifies that present law (Acts 1884, No. 43) is "as amended".
2. Corrects name of Family Educational Rights and Privacy Act of 1974 (FERPA).