

CONFERENCE COMMITTEE REPORT

SB 148

2021 Regular Session

Cortez

June 2, 2021

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 148 by Senator Cortez, recommend the following concerning the Re-Reengrossed bill:

1. That the House Committee Amendment Set No. 2871 proposed by the House Committee on Education and adopted by the House of Representatives on May 18, 2021, be rejected.
2. That the House Floor Amendment Set No. 3480 proposed by Representative Wright and adopted by the House of Representatives on May 26, 2021, be rejected.
3. That the following amendments to the Re-Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 3, lines 4 and 5, change "Title 17 of the Louisiana Revised Statutes of 1950" to "this Title"

AMENDMENT NO. 2

On page 4, line 29, change "Eligibility" to "eligibility"

AMENDMENT NO. 3

On page 6, delete lines 7 and 8, and insert the following:

**"(8)(a) Not be incarcerated.
(b) Have no conviction for any crime of violence as defined in R.S. 14:2(B)."**

AMENDMENT NO. 4

On page 6, line 9, change "Applied" to "Have applied"

AMENDMENT NO. 5

On page 7, line 11, change "Enrollment" to "Enroll"

AMENDMENT NO. 6

On page 7, delete lines 15 and 16, and insert the following:

**"(5)(a) Not be incarcerated.
(b) Have no conviction for any crime of violence as defined in R.S. 14:2(B)."**

AMENDMENT NO. 7

On page 8, between lines 25 and 26, insert the following:

"D.(1) The "M.J. Foster Promise Program Fund", hereinafter referred to in this Chapter as the "fund", is hereby created within the state treasury for the purpose of providing for the financial assistance awards and administration of the M.J. Foster Promise Program.

(2) The sources of monies deposited into the fund shall be legislative appropriations, federal grants, gifts, and donations received by the state for purposes of this Chapter. Monies in the fund shall be subject to appropriation by the legislature and shall be available exclusively for use by the Board of Regents, through the office of student financial assistance, for the M.J. Foster Promise Program.

(3) The administering agency shall adopt regulations and guidelines for the distribution and allocation of monies appropriated to the administering agency which shall be subject to approval by the Joint Legislative Committee on the Budget.

(4) All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund and be available for appropriation the next fiscal year. The monies shall be invested by the treasurer in the same manner as monies in the state general fund, and all interest earned shall be credited to the fund following compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund.

E. The costs for administering and promoting the program shall be paid from the funds appropriated for the program pursuant to this Section. Administrative and promotional costs shall not exceed five percent of the monies appropriated to the administering agency for the M.J. Foster Promise Program."

AMENDMENT NO. 8

On page 8, line 26, change "Agency" to "agency"

AMENDMENT NO. 9

On page 9, between lines 21 and 22, insert the following:

"(h) The Louisiana Department of Public Safety and Corrections."

AMENDMENT NO. 10

On page 10, between lines 8 and 9, insert the following:

"C. The administering agency shall enter into a memorandum of understanding with the Louisiana Department of Public Safety and Corrections to share information relative to a person's criminal history in order to determine award eligibility and to collect data relative to the recidivism rates of scholarship recipients. Any information shared or furnished shall be held confidential by the administering agency, shall be reported in the aggregate only, and shall contain no personally identifiable information."

AMENDMENT NO. 11

On page 10, after line 29, insert the following:

"(4) Recidivism rates of award recipients."

Respectfully submitted,

Senators:

Senator Patrick Page Cortez

Senator Cleo Fields

Senator Regina Ashford Barrow

Representatives:

Representative Clay Schexnayder

Representative Mark Wright

Representative Tanner D. Magee

The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl M. Serrett.

CONFERENCE COMMITTEE REPORT DIGEST

SB 148

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Keyword and summary of the bill as proposed by the Conference Committee

COLLEGES/UNIVERSITIES. Establishes the M.J. Foster Promise Program. (gov sig)

Report rejects House amendments which would have:

1. Removed the prohibition against awards being provided to persons with a criminal conviction, except for misdemeanor traffic violations.
2. Provided for carry over of funds appropriated, awarded, or donated to the administering agency for program purposes.

Report amends the bill to:

1. Prohibit an incarcerated person from receiving an award.
2. Narrow the eligibility requirements related to criminal convictions to prohibit a person who has been convicted of a violent crime from receiving an award.
3. Create the "M.J. Foster Promise Program Fund" in which monies for the program are deposited and available for the exclusive use of the program. Allow unexpended and unencumbered monies in the fund to remain in the fund and be available for appropriation the next fiscal year.
4. Provide that the costs of administering and promoting the program shall be paid from the monies appropriated to the fund and limit administrative costs to not more than five percent of the monies received for the program.
5. Require the administering agency to enter into a memorandum of understanding with the Louisiana Department of Public Safety and Corrections to share information relative to a person's criminal history in order to determine eligibility for an award and to collect and report data relative to the recidivism rates of scholarship recipients.
6. Add an appointee of the Louisiana Department of Public Safety and Corrections to the program's working group.
7. Make technical changes.

Digest of the bill as proposed by the Conference Committee

Proposed law creates the M.J. Foster Promise Award Program to provide a financial award to an eligible student who enrolls in a qualified program at a two-year public postsecondary education institution or an accredited proprietary school licensed by the Board of Regents to pursue an associate degree or shorter-term postsecondary education credential required for certain high-demand, high-wage occupations aligned to Louisiana's workforce priorities.

Proposed law provides an award of up to \$3,200 per year to apply to the tuition and required fees of each award recipient enrolled full-time or an amount proportional to the hours enrolled if the recipient is enrolled part-time. Allows awards for students enrolled in qualified programs of less than a year duration to receive an award greater than \$3,200 but less than \$6,400. Caps the total award amount at \$6,400 per recipient.

Proposed law requires the award to be paid by the state to the two-year public postsecondary education institution or proprietary school on behalf of the award recipient. Further requires all other financial aid that the student qualifies for to be applied before the M.J. Foster Promise Award. Proposed law further requires, in order to receive the funding, two-year public postsecondary institutions or proprietary schools offering qualified programs to identify and provide a path for credentials earned to be stackable and transferable as academic credit.

Proposed law requires the Board of Regents to establish an advisory council to identify programs in which an eligible student may enroll to receive the award which shall be designated as "quality programs", including a review of the return on the state's investment in awards made to recipients who completed a qualified program. Proposed law delineates the process that the advisory council must use in designating qualified programs. Further requires the advisory council to identify and assist in the establishment of mechanisms to support award recipients to complete a qualified program and gain employment in the associated high-demand, high-wage jobs.

Proposed law provides that the advisory council is comprised of the following members or their designees:

- (1) The chancellor of Louisiana State University at Eunice.
- (2) The chancellor of Southern University at Shreveport.
- (3) The president of the Louisiana Community and Technical College System.
- (4) The commissioner of higher education.
- (5) The state superintendent of education.
- (6) The secretary of the Louisiana Department of Economic Development.
- (7) The executive director of the Louisiana Workforce Commission.
- (8) The chairman of the Louisiana Workforce Investment Council.
- (9) The secretary of the Louisiana Department of Revenue.

Proposed law requires an applicant for the award must:

- (1) Be at least twenty-one years old.
- (2) Have earned a high school diploma or its equivalent or co-enroll in a qualified program and a program to earn a high school credential.
- (3) Be a citizen of the United States.
- (4) Be a Louisiana resident during the twenty-four months preceding the date of application.
- (5) Not have previously earned an undergraduate degree at the associate level or above.
- (6) Meet any admission requirements of the postsecondary education institution or proprietary school and the qualified program.
- (7) Have received an honorable discharge if previously served.
- (8)
 - (a) Not be incarcerated.
 - (b) Have no conviction for any crime of violence.
- (9) Have applied for federal student aid.

- (10) Provide the administering agency permission to collect and verify information relative to the success of the award program including information regarding the applicant's employment before and after receiving the award.
- (11) Agree to reside and work full-time in Louisiana for at least one year after the completion of the last semester that an award is provided.
- (12) Agree to annually perform, during each year that an award is received, at least twenty hours of community service or to participate for at least twenty hours in an apprenticeship, internship, or mentorship that is related to the qualified program.
- (13) Have a family income that does not exceed three hundred percent of the applicable federal poverty guideline as published in the Federal Register by the United States Department of Health and Human Services or certify unemployment or underemployment for at least the six months prior to the receipt of the award.

Proposed law provides that to maintain an award the award recipient must:

- (1) Make steady academic progress unless provided an exception for cause by the administering agency.
- (2) Remain in good academic standing at the postsecondary education institution while enrolled in a qualified program.
- (3) Maintain continuous enrollment by earning at least one shorter-term postsecondary education or proprietary school credential per year or enrolling in the fall and spring semester of each academic year depending on the program in which enrolled.
- (4) Maintain a cumulative grade point average of at least 2.00 calculated on a 4.00 scale in a qualified program for which grades are issued.
- (5)
 - (a) Not be incarcerated.
 - (b) Have no conviction for any crime of violence.
- (6) Have received an honorable discharge if separation occurs after becoming a recipient of the award.
- (7) Have received the award for not more than three academic years.
- (8) Have used the award to earn not more than sixty hours of academic credit.
- (9) Certify the completion of at least twenty hours of community service or participation in an apprenticeship, internship, or mentorship for the prior calendar year.

Proposed law allows an award recipient who successfully completes a qualified program in less than three years to be eligible to continue to receive the award for any remaining time of eligibility by enrolling in another qualified program and continuing to meet all other eligibility requirements.

Proposed law allows an award recipient who previously received the award and enrolled in a program that is no longer a qualified program, to continue to use the award to continue in the program as long as all other continuing eligibility requirements are met.

Proposed law provides that the administering agency may seek, accept, and expend funds from any source, including private business, industry, foundations, and other groups, as well as any available federal or other governmental funding.

Proposed law provides that if the funding provided is not sufficient to fully fund all eligible award recipients, awards shall be provided to eligible students in the order that applications are received, with priority given to previous award recipients who have met all requirements for maintaining the award and who are continuing in a qualified program for which they previously received the award.

Proposed law creates the "M.J. Foster Promise Program Fund" into which monies received for the program will be deposited for exclusive use by the administering agency for purposes of the program. Allows unexpended and unencumbered monies in the fund at the end of the fiscal year to remain in the fund and be available for appropriation the next fiscal year.

Proposed law provides that the costs for administering and promoting the program shall be paid from the funds appropriated for the program and shall not exceed five percent of the monies received for the program.

Proposed law provides that implementation of the award is subject to the appropriation of state funds by the Legislature and limits the state appropriation to \$10 million per year for students enrolled in public postsecondary education institutions and \$500,000 per year for students enrolled in proprietary schools.

Proposed law provides for the program to be administered by the Board of Regents, through the office of student financial assistance (OSFA), and requires the administering agency to adopt rules and regulations in accordance with the Administrative Procedure Act.

Proposed law requires OSFA to establish a working group to identify federal and state programs, including childcare supplements and other aid or services, that may provide additional support to award recipients to further their postsecondary education endeavors. Provides that the working group be composed of an appointee from each of the following:

- (1) The Louisiana Department of Children and Family Services.
- (2) The Louisiana Department of Health.
- (3) The Louisiana Department of Education.
- (4) The Louisiana Workforce Commission.
- (5) The Louisiana Department of Veterans Affairs.
- (6) The Louisiana Association of Student Financial Aid Administrators.
- (7) The OSFA.
- (8) The Louisiana Department of Public Safety and Corrections.

Proposed law requires the administering agency to enter into a memorandum of understanding with the Louisiana Department of Revenue and the Louisiana Workforce Commission to share information relative to a taxpayer's reported income and employment information for purposes of generating data related to the success of award recipients in the workforce. Proposed law requires that any information shared or furnished shall be held confidential by the administering agency, shall be reported in the aggregate only, and shall contain no personally identifiable information for any award recipient.

Proposed law requires the administering agency to enter into a memorandum of understanding with the Louisiana Department of Public Safety and Corrections to share information relative to a person's criminal history to determine award eligibility and to collect data relative to recidivism rates of award recipients.

Proposed law requires the administering agency to develop and implement a uniform information reporting system for the purposes of policy analysis and program evaluation. Additionally, requires an annual report to the legislature and provides that all information reported shall be reported in the aggregate only and contain no personally identifiable information for any award recipient.

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

(Adds R.S. 17:3047-3047.7)