

Regular Session, 2013

HOUSE BILL NO. 194

BY REPRESENTATIVE LEGER

STUDENT/TUITION: Provides relative to the authority of public postsecondary education management boards to increase tuition and mandatory fee amounts

1 AN ACT

2 To enact R.S. 17:3351(A)(5)(f), relative to tuition and mandatory fee amounts for public
3 postsecondary education institutions; to authorize the public postsecondary education
4 management boards to increase tuition and mandatory fee amounts in accordance
5 with the Board of Regents tuition policy, which is subject to legislative approval; to
6 provide for legislative approval of such policy and legislative approval for such
7 tuition and fee increases, including subsequent increases pursuant to such policy; to
8 authorize uniform imposition of tuition and mandatory fee amounts on a per-credit-
9 hour basis; to provide for applicability, limitations, and exceptions; to provide for
10 implementation; to provide an effective date; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 17:3351(A)(5)(f) is hereby enacted to read as follows:

13 §3351. General powers, duties, and functions of college and university boards

14 A. Subject only to the powers of the Board of Regents specifically
15 enumerated in Article VIII, Section 5 of the Constitution of Louisiana, and as
16 otherwise provided by law, each postsecondary system management board as a body
17 corporate shall have authority to exercise power necessary to supervise and manage
18 the day-to-day operations of institutions of postsecondary education under its
19 control, including but not limited to the following:

20 * * *

1 (5)

2 * * *

3 (f)(i) Notwithstanding any limitation on or any authority provided to the
4 boards by this Paragraph or any other provision of law, and in accordance with
5 Article VII, Section 2.1 of the Constitution of Louisiana, the Board of Supervisors
6 of Louisiana State University and Agricultural and Mechanical College, the Board
7 of Supervisors of Southern University and Agricultural and Mechanical College, the
8 Board of Supervisors for the University of Louisiana System, and the Board of
9 Supervisors of Community and Technical Colleges may increase the tuition amount
10 and mandatory fee amounts applicable to resident students at institutions under their
11 respective supervision and management in accordance with the tuition policy
12 established and implemented by the Board of Regents and approved by the
13 legislature as provided in R.S. 17:3129.5. Increases in tuition and mandatory fee
14 amounts pursuant to this Subparagraph shall be effective at such institutions as may
15 be provided by the tuition policy established and implemented by the Board of
16 Regents and approved by the legislature as provided in R.S. 17:3129.5. Additionally,
17 the Board of Supervisors of Louisiana State University and Agricultural and
18 Mechanical College, the Board of Supervisors of Southern University and
19 Agricultural and Mechanical College, the Board of Supervisors for the University of
20 Louisiana System, and the Board of Supervisors of Community and Technical
21 Colleges may provide for the uniform imposition of tuition and mandatory fee
22 amounts for students attending such institutions under their respective supervision
23 and management on a per-credit-hour basis.

24 (ii) The authority granted each management board by this Subparagraph to
25 establish tuition and mandatory fee amounts shall include the authority to establish
26 proportional amounts applicable to part-time students and to students enrolled for
27 summer and intersession terms.

28 (iii) Prior to imposing any increase or increases in tuition or mandatory fee
29 amounts pursuant to the provisions of this Subparagraph, the management board

pertinent factors determined by the board. Provides that the policy shall establish a framework for the imposition of student tuition and fees by the respective management boards and that the delegation of authority to the management boards to establish tuition and fees in accordance with policies adopted by the Board of Regents shall not be construed to authorize the Board of Regents to set a specific tuition or fee. Requires that, prior to the implementation of the initial increase in fees or tuition pursuant to such policy, the authority for the management boards to increase tuition or fees consistent with the policy shall be approved by the legislature by law by the favorable vote of 2/3 of the elected members of both houses of the legislature. Provides that such approval by law shall constitute compliance with the requirements of Art. VII, §2.1 of the Const. of La. for any subsequent increases pursuant to the policy.

Requires the Board of Regents and each management board annually, not later than Feb.1, to report to the Joint Legislative Committee on the Budget on the status of policy implementation.

Proposed law authorizes the LSU board of supervisors, the SU board of supervisors, the University of La. board of supervisors, and the Board of Supervisors of Community and Technical Colleges to increase the tuition amount and mandatory fee amounts applicable to resident students in accordance with the tuition policy established and implemented by the Board of Regents and approved by the legislature pursuant to present law summarized above. Provides that tuition and fee increases pursuant to proposed law shall be effective at such institutions as may be provided by the Board of Regents policy approved by the legislature. Additionally authorizes the management boards to provide for the uniform imposition of tuition and mandatory fee amounts on a per-credit-hour basis.

Proposed law provides that the authority for such increases includes the authority to establish proportional amounts applicable to part-time students and to students enrolled for summer and intersession terms. Further requires that, prior to imposing any such increase(s) in tuition or fee amounts, the management board establish criteria for waivers of such increase(s) in cases of financial hardship and make information about such waivers and the criteria and procedures for obtaining a waiver available to all prospective students affected by the increase(s) in a timely manner such that the prospective student can be aware of the increase(s) and the availability of waivers prior to making any final decision concerning attendance.

Present law (R.S. 17:3139 et seq.-GRAD Act) in part authorizes public postsecondary institutions who enter into performance agreements and meet certain goals in such agreements to increase tuition and fee amounts annually, without legislative approval, until the institution reaches the average tuition and fee amounts of its peer institutions, such amounts to be weighted based on the median household income in SREB states in which respective peer institutions are located. The median household income in such states shall be compared with the median household income in La., and any differences between the average of the states shall be factored into the allowable tuition and fee amount increase for the respective institution. Authorizes increases as necessary to maintain tuition and fee amounts as close to that average as practical. Includes provisions for waivers based upon financial hardship of students.

Proposed law is in addition to GRAD Act authority and any other authority of any of the boards to impose tuition or fees.

Proposed law provides that it is in accordance with Const. Art. VII, §2.1(A) which provides that any new fee imposed or assessed by a state board or agency must be enacted by law by a 2/3 vote of the elected members of each house of the legislature.

Proposed law specifies that proposed law constitutes legislative approval of the tuition policy adopted by the Board of Regents on Apr. 25, 2012, and presented to the legislature by the board and legislative approval, in compliance with Const. Art. VII, §2.1, of the authority for

the public postsecondary education management boards to increase tuition or fees consistent with such policy, including initial and subsequent increases pursuant to such policy, all as authorized by present law (R.S. 17:3129.5).

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

(Adds R.S. 17:3351(A)(5)(f))