

Regular Session, 2014

HOUSE BILL NO. 299

BY REPRESENTATIVE GREENE

COLLEGES/TULANE U: Relative to legislative scholarships, requires certain information on application forms, provides for certain forms and material to be public record, and provides for the custodian of such records

1 AN ACT

2 To enact R.S. 17:1891, relative to scholarships that provide free tuition to Tulane University
3 to students nominated by legislators; to require the Administrators of the Tulane
4 Educational Fund to include in the application process a form for applicants to
5 provide certain information; to provide for certain waivers of confidentiality by
6 scholarship applicants; to provide that certain forms, nominations, and other
7 materials are public records; to provide relative to the custodian of such records; to
8 provide for applicability; to provide for placement of the provisions of this Act in the
9 Louisiana Revised Statutes of 1950 by the Louisiana State Law Institute; and to
10 provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

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

13 §1891. Free tuition for students nominated by members of the legislature

14 A.(1) As a part of the application process for a scholarship granting free
15 tuition pursuant to Act No. 43 of the 1884 Regular Session of the Legislature as
16 amended and other applicable provisions of law, the Administrators of the Tulane
17 Educational Fund shall require each applicant to complete and submit to the
18 university a form that will provide the following information:

1 (a) The name and the municipality (if any) and parish of residence of the
2 applicant.

3 (b) The Louisiana House of Representatives and Senate districts in which the
4 applicant resides, including each district number and the name of the legislator who
5 represents each district.

6 (c) Whether or not the applicant is related to an elected official, and if the
7 applicant is related to an elected official, the name and office held by each elected
8 official to whom the applicant is related.

9 (2) For purposes of this Subsection:

10 (a) The following persons are "related" to a scholarship applicant: a
11 scholarship applicant's child, brother, sister, parent, spouse, former spouse, aunt,
12 uncle, nephew, niece, first cousin, mother-in-law, father-in-law, sister-in-law, and
13 brother-in-law, whether such relationship is by blood or marriage.

14 (b) "Elected official" means a person who holds an office of state or local
15 government in Louisiana that is filled by election pursuant to the Louisiana Election
16 Code and any person who fills a vacancy in such an office and shall also include a
17 member of the United States Senate or United States House of Representatives from
18 Louisiana.

19 (3) The form required by this Subsection shall include a waiver, to be
20 signed by the applicant, to waive his right of confidentiality under the Buckley
21 Amendment or any other law to the information the applicant is required to provide
22 pursuant to this Subsection.

23 B. Except as provided in Subsection C of this Section, the forms submitted
24 by scholarship applicants pursuant to this Section and the nomination forms and any
25 accompanying letters or other material submitted by legislators to the university to
26 nominate scholarship recipients shall be public records subject to the Public Records
27 Law, including but not limited to provisions for examination of records in R.S.
28 44:31. Notwithstanding any provision of law to the contrary, the president of Tulane
29 University, on behalf of the Administrators of the Tulane Educational Fund, shall be

1 the custodian of such public records for purposes of the Public Records Law, and no
2 member of the Legislature of Louisiana shall be the custodian of any such record.

3 C. No information shall be made public pursuant to this Section in violation
4 of any state or federal law, including the Federal Education Rights Privacy Act.

5 D. The provisions of this Section are applicable to the awarding of
6 scholarships by the Tulane University legislative scholarship program for the 2015-
7 2016 academic year and thereafter.

8 Section 2. The Louisiana State Law Institute shall place R.S. 17:1891 as enacted by
9 this Act within Chapter 6 of Title 17 of the Louisiana Revised Statutes of 1950.

10 Section 3. This Act shall become effective upon signature by the governor or, if not
11 signed by the governor, upon expiration of the time for bills to become law without signature
12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
14 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)]

Greene

HB No. 299

Abstract: Relative to granting of free tuition by Tulane University to students nominated by legislators, provides for a form for applicants to provide certain information, for waivers of confidentiality, for such forms and legislators' nominations to be public records, and for the custodian of such records.

Present constitution (Const. Art. VIII, §14) provides that The Tulane University of La. 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 La. 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 La. 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 (R.S. 17:1891) requires the Administrators of the Tulane Educational Fund, as part of the application process for a scholarship, to require each applicant to complete and submit to the university a form that will provide the following information:

- (1) Each applicant's name, and municipality (if any) and parish of residence.
- (2) The La. House of Representatives and Senate districts in which the applicant resides, including district numbers and legislators' names.
- (3) Whether or not the applicant is related to an elected official, and if the applicant is related to an elected official, the name of and the office held by each such elected official. Provides that a scholarship recipient is related to his child, brother, sister, parent, spouse, former spouse, aunt, uncle, nephew, niece, first cousin, mother-in-law, father-in-law, sister-in-law, and brother-in-law, whether such relationship is by blood or marriage. Provides that an "elected official" includes a person who holds an office of state or local government in La. that is filled by election pursuant to the La. Election Code and any person who fills a vacancy in such an office and shall also include a member of the U.S. Senate or U.S. House of Representatives from La.

Proposed law requires that the form required by proposed law include a waiver to be signed by the applicant to waive his right of confidentiality under the Buckley Amendment or any other law to the information proposed law requires the applicant to provide.

Proposed law provides that forms submitted by scholarship applicants pursuant to proposed law and the nomination forms, and any accompanying letters or other material, submitted by legislators to nominate scholarship recipients shall be public records subject to the Public Records Law, including provisions for examination of records. Further provides that, notwithstanding any contrary law, the president of Tulane University shall be the custodian of these public records for purposes of the Public Records Law, and that no legislator shall be the custodian of any such record.

Proposed law prohibits making public any information in violation of any state or federal law, including the Federal Education Rights Privacy Act (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.

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

(Adds R.S. 17:1891) (Provides that the La. State Law Institute shall place R.S. 17:1891 in Chapter 6 of Title 17 of the La. R.S. of 1950.)