

Regular Session, 2011

HOUSE BILL NO. 97

BY REPRESENTATIVE HOFFMANN

COLLEGES/UNIVERSITIES: Provides relative to operational fee amounts assessed students attending public postsecondary education institutions

1 AN ACT

2 To amend and reenact R.S. 17:3351(A)(5)(d)(i), relative to the assessment of operational  
3 fees at public institutions of postsecondary education; to provide relative to the  
4 powers of public postsecondary education management boards to assess operational  
5 fees; to provide relative to operational fee amounts; to provide limitations; to provide  
6 an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:3351(A)(5)(d)(i) is hereby amended and reenacted to read as  
9 follows:

10 §3351. General powers, duties, and functions of college and university boards

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

17 \* \* \*

18 (5)

19 \* \* \*

1 (d)(i) In accordance with Article VII, Section 2.1 of the Constitution of  
 2 Louisiana, each management board may provide for the assessment of an operational  
 3 fee at each institution under its management and supervision in an amount not to  
 4 exceed four percent of the total mandatory tuition and fee amount in effect for each  
 5 institution, ~~on August 15, 2004.~~

6 \* \* \*

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

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#### 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)]

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Hoffmann

HB No. 97

**Abstract:** Relative to the authority of a public postsecondary education management board, provides for the assessment of an operational fee at each institution under its management and supervision and limits the fee amount to not more than 4% of the total mandatory tuition and fee amount in effect for each institution rather than such amount in effect for each institution on Aug. 15, 2004.

Present law (R.S. 17:3351(A)(5)(d)(i)) permits each public postsecondary education management board to provide for the assessment of an operational fee at each institution under its management and supervision in an amount not to exceed 4% of the total mandatory tuition and fee amount in effect for each institution on Aug. 15, 2004.

Proposed law retains present law except to delete the reference to Aug. 15, 2004.

Other present law provisions relative to the assessment of an operational fee (R.S. 17:3351(A)(5)(d)(ii) - (v)) provide that:

- (1) A management board may establish proportional amounts applicable to part-time students and students enrolled for summer and intersession terms.
- (2) The fee shall not be a cost that is payable by the state on behalf of any student who receives a Taylor Opportunity Program for Students (TOPS) award.
- (3) The fee is in addition to other tuition or attendance fees and charges established by the board and shall be paid by all students. However, also requires each board to establish criteria for waiving the fee in cases of financial hardship as determined by the board and provides guidelines for making prospective students aware of these financial hardship provisions.

- (4) At any postsecondary institution, any excess of revenue resulting from the imposition of the operational fee over mandated costs applicable to the institution in any fiscal year shall be used by the institution solely for the enhancement of any instructional programs and may not be used to pay the salary of any university or university system administrator as is provided for the use of the academic excellence fee.

Proposed law retains these present law provisions.

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

(Amends R.S. 17:3351(A)(5)(d)(i))