

June 11, 1999

Honorable Alfred W. Speer
Clerk of the House of Representatives
State Capitol
Baton Rouge, LA 70804

RE: HOUSE BILL NO. 44 BY REPRESENTATIVE WINDHORST

To amend and reenact R.S. 49:968 (G), relative to the Administrative Procedure Act; to provide relative to the procedure for the proposal and adoption of certain rules; and to provide for related matters.

Dear Mr. Speer:

Presently, under the Louisiana Administrative Procedure Act if a state agency rule is found unacceptable by a legislative oversight committee and the governor does not disapprove that action, the agency may not be able to resubmit even a substantially similar rule until the next regular legislative session. The current process gives the legislative branch appropriate review and input in the agency rule-making process while at the same time maintaining to the executive branch appropriate ability to discharge its duties.

House Bill No. 44 would extend by an additional year the period within which the agency may be barred from initiating substantially similar rule-making; that is, the agency may be required to wait until the next general regular session. Increasing the period within which an agency may be unable to discharge its duties may well jeopardize state conformity with state or federal law or federal regulation and would require the governor to more frequently overturn legislative oversight committee actions to avoid the risk that an agency will be prevented from discharging its duty under state law.

For this reason, I am vetoing House Bill No. 44 and returning it to you.

Sincerely,

M.J. "Mike" Foster, Jr.

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