

DIGEST

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SB 43 Reengrossed

2015 Regular Session

Appel

Present law (R.S. 49:950, et seq. - La. Administrative Procedure Act) requires that state agencies comply with the rulemaking procedures set forth in the Administrative Procedure Act (APA). Present law does not apply to matters regulating only the internal management of the agency. Proposed law (R.S. 17:6.1) retains present law requirements and restates present law in the education statutes relative to the State Board of Elementary and Secondary Education (BESE) to require BESE to adopt rules in accordance with the APA for any program, statement, guideline, or requirement for conduct or action prescribed by the board, the state superintendent of education, and the state Dept. of Education.

Proposed law (R.S. 49:968.1) specifically requires that each rule proposed by BESE to adopt, amend, suspend, or repeal state content standards for use in public elementary and secondary schools be submitted to the Senate and House education committees for review, in accordance with the APA. Provides that state content standards proposed to be adopted by rule shall not be subject to severability in consideration by a legislative committee or the governor in oversight determinations. Further provides that state content standards set forth in a proposed rule shall be considered in globo in any determination of acceptability or unacceptability for oversight purposes.

Present law (R.S. 49:969) provides that in addition to present law that provides for legislative review of the rulemaking authority delegated to state agencies, the legislature, by Concurrent Resolution, may suspend, amend, or repeal any rule or regulation or body of rules or regulations, or any fee or any increase, decrease, or repeal of any fee, adopted by a state department, agency, board, or commission. Further provides that the Louisiana Register shall publish a brief summary of any Concurrent Resolution adopted by the legislature not later than 45 days after it is signed by the presiding officers of the legislature. Proposed law, as it relates to a BESE rule for state content standards, limits such suspension and repeal authority only to such a rule in its entirety and prohibits the legislature from amending the rule. Otherwise retains present law.

Present law (R.S. 49:970) provides that the governor, by executive order, may suspend or veto any rule or regulation or body of rules or regulations adopted by a state department, agency, board, or commission (except for limited exemptions provided in present law), within 30 days of their adoption. Requires the governor to send copies of the executive order to the speaker of the House of Representatives and president of the Senate. Proposed law, as it relates to a BESE rule for state content standards, limits such authority to veto or suspension of such a rule in its entirety. Otherwise retains present law.

Provides that proposed law is effective if House Bill No. 373 and House Bill No. 542 of the 2015 R.S. become effective.

(Amends R.S. 49:969 and 970; Adds R.S. 17:6.1 and R.S. 49:968.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Provides that proposed BESE rules relative to K-12 state content standards are not severable and must be considered by a legislative oversight committee or the governor in globo.

2. Prohibits the legislature from amending an adopted rule relative to K-12 state content standards by Concurrent Resolution.
3. Provides that the legislature may only suspend or repeal an adopted rule relative to K-12 state content standards in its entirety by Concurrent Resolution.
4. Provides that the governor may only suspend or veto an adopted rule relative to K-12 state content standards in its entirety by executive order.
5. Changed effectiveness from governor's signature to being contingent upon enactment of HB 373 of the 2015 R.S.

Senate Floor Amendments to engrossed bill

1. Adds HB 542 of the 2015 R.S. to contingent effective date.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the reengrossed resolution:

1. Clarify that BESE's rulemaking requirements apply to actions pursuant to its constitutional and statutory responsibilities.