

SENATE BILL NO. 43

BY SENATOR APPEL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 49:969 and 970, and to enact R.S. 17:6.1 and R.S. 49:968.1, relative to the State Board of Elementary and Secondary Education; to require the board to adopt rules in accordance with the Administrative Procedure Act for certain programs, statements, guidelines, or requirements for conduct; to provide relative to the approval, amendment, suspension, or rejection of certain proposed or adopted rules by a legislative committee or the governor; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:6.1 is hereby enacted to read as follows:

§6.1. Rulemaking

The board, in fulfilling its constitutional and statutory responsibilities, shall adopt rules in accordance with the Administrative Procedure Act for any program, statement, guideline, or requirement for conduct or action prescribed by the board, the state superintendent of education, and the state Department of Education. The provisions of this Section shall not apply to any statement, guideline, or requirement regulating only the internal management of the board or the state Department of Education.

Section 2. R.S. 49:969 and 970 are amended and reenacted and R.S. 49:968.1 is hereby enacted to read as follows:

§968.1. Review of rules relative to state content standards; elementary and secondary education

A. Each rule proposed by the State Board of Elementary and Secondary

1 Education to adopt, amend, suspend, or repeal state content standards for use
2 in public elementary and secondary schools shall be submitted to the Senate
3 Committee on Education and the House Committee on Education for review,
4 in accordance with the provisions of this Chapter.

5 B. State content standards proposed to be adopted by rule pursuant to
6 this Section shall not be subject to severability in consideration by a legislative
7 committee or the governor in oversight determinations. The state content
8 standards set forth in a proposed rule shall be considered in globo in any
9 determination of acceptability or unacceptability for oversight purposes.

10 §969. Legislative veto, amendment, or suspension of rules, regulations, and fees

11 A. In addition to the procedures provided in R.S. 49:968 for review of the
12 exercise of the rulemaking authority delegated by the legislature to state agencies,
13 as defined by this Chapter, the legislature, by Concurrent Resolution, may suspend,
14 amend, or repeal any rule or regulation or body of rules or regulations, or any fee or
15 any increase, decrease, or repeal of any fee, adopted by a state department, agency,
16 board, or commission. The Louisiana Register shall publish a brief summary of any
17 Concurrent Resolution adopted by the legislature pursuant to this Section. Such
18 summary shall be published not later than forty-five days after signing of such
19 Resolution by the presiding officers of the legislature.

20 B. Notwithstanding the provisions of Subsection A of this Section, a rule
21 adopted by the State Board of Elementary and Secondary Education relative to
22 state content standards adopted by the board for use in public elementary and
23 secondary schools, may not be amended by the legislature and may be
24 suspended or repealed only in its entirety.

25 §970. Gubernatorial suspension or veto of rules and regulations

26 A. The governor, by executive order, may suspend or veto any rule or
27 regulation or body of rules or regulations adopted by a state department, agency,
28 board or commission, except as provided in R.S. 49:967, within thirty days of their
29 adoption. Upon the execution of such an order, the governor shall transmit copies
30 thereof to the speaker of the House of Representatives and president of the Senate.

1 **B. Notwithstanding the provisions of Subsection A of this Section, the**
 2 **governor may suspend or veto a rule adopted by the State Board of Elementary**
 3 **and Secondary Education relative to state content standards adopted by the**
 4 **board for use in public elementary and secondary schools only in its entirety.**

5 Section 2. This Act shall take effect and become operative if the Acts which
 6 originated as House Bill No. 373 and as House Bill No. 542 of the 2015 Regular Session of
 7 the Legislature are enacted and become effective.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____