

2019 Regular Session

HOUSE BILL NO. 501

BY REPRESENTATIVE BISHOP

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

ENVIRONMENT/LITTERING: Transfers the Louisiana Environmental Education Commission to the Department of Education

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AN ACT

To amend and reenact R.S. 30:2503(A)(1) and (C)(2), 2504(2) and (7), 2506(A), (B)(4), and (C)(15), and 2517(A)(introductory paragraph), and R.S. 36:802(introductory paragraph), to enact R.S. 36:651(CC), and to repeal R.S. 36:610(B)(10), relative to the Louisiana Environmental Education Commission; to provide for the Louisiana Environmental Education Commission; to provide for the transfer of the commission to the Department of Education; to provide for duties and responsibilities; to provide for definitions; to provide for staff; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2503(A)(1) and (C)(2), 2504(2) and (7), 2506(A), (B)(4), and (C)(15), and 2517(A)(introductory paragraph) are hereby amended and reenacted to read as follows:

§2503. Louisiana Environmental Education Commission; creation; membership; duties

A.(1) There is hereby created, within the state Department of ~~Wildlife and Fisheries~~ Education, the Louisiana Environmental Education Commission, hereinafter referred to as the "commission".

\* \* \*

C. The commission shall:

\* \* \*

1           (2) Advise and assist the ~~secretary of the Department of Wildlife and~~  
2 ~~Fisheries~~ state superintendent of education, the governor, the legislature, the  
3 secretary of the Department of Environmental Quality, and other state agencies,  
4 including university extension services, conservation and environmental  
5 organizations, community action groups, and nature and environmental centers on  
6 policies and practices needed to provide environmental education.

7                                 \*         \*         \*

8         §2504. Definitions

9           As used in this ~~Part~~ Chapter and Chapter 21 of this Subtitle, the following  
10 words have the meanings ascribed to them unless the context requires otherwise:

11                                 \*         \*         \*

12           (2) "Department" means the state Department of ~~Wildlife and Fisheries~~  
13 Education.

14                                 \*         \*         \*

15           (7) "Section" means the environmental education and litter reduction section  
16 located within and acting through the state Department of ~~Wildlife and Fisheries~~  
17 Education.

18                                 \*         \*         \*

19         §2506. Environmental Education and Litter Reduction Section; staff; powers and  
20 duties; cooperation; funding

21           A. There is hereby created, within the state Department of ~~Wildlife and~~  
22 ~~Fisheries, office of wildlife~~ Education, the environmental education and litter  
23 reduction section which shall assist the commission and perform responsibilities  
24 relative to education and litter control as provided for in this Chapter. Insofar as  
25 funds are appropriated, staff may be employed under the direction and control of the  
26 ~~secretary~~ state superintendent of education and in accordance with policies of the  
27 department.

1           B. The section shall implement the provisions of this Part relative to  
2 environmental education, including the following:

3   \*       \*       \*

4           (4) Promote and aid in the establishment and assessment of elementary and  
5 secondary school environmental education programs ~~through cooperation with the~~  
6 ~~Department of Education and the Board of Elementary and Secondary Education.~~

7   \*       \*       \*

8           C. The section shall implement the provisions of this Part relative to litter  
9 control awareness, including the following:

10    \*       \*       \*

11           (15) Provide an annual report to the House Committee on Natural Resources  
12 and Environment, the House Committee on Education, the Senate Committee on  
13 Education, and the Senate Committee on Natural Resources giving details regarding  
14 the success of the section's efforts to comply with the above duties or any other  
15 duties required of it by law.

16    \*       \*       \*

17 §2517. Curriculum framework

18           A. The commission shall ~~work with the Department of Education to~~ develop  
19 a curriculum framework for establishing environmental education programs in all  
20 public and private elementary and secondary schools. The program shall integrate  
21 environmental concepts and skills into regular curricula, which include:

22    \*       \*       \*

23           Section 2. R.S. 36:651(CC) and 802(introductory paragraph) are hereby enacted to  
24 read as follows:

25           §651. Transfer of boards, commissions, departments, and agencies to Department  
26 of Education; boards, commissions, and agencies within Department of  
27 Education

28    \*       \*       \*

1           CC. The Louisiana Environmental Education Commission is placed within  
2           the Department of Education and shall exercise and perform its powers, duties,  
3           functions, and responsibilities in accordance with the provisions of R.S. 36:802.

4                                   \*       \*       \*

5           §802. Transfer; retention of policymaking and rulemaking functions

6                   The agencies transferred by the provisions of R.S. 36:209(Q) and (Y),  
7                   259(B)(19), 309(B), 409(C), 459(B), 610(B), 629(I), 651(CC), and 769(C) shall  
8                   continue to be composed and selected as provided by law, and each shall continue  
9                   to exercise all of the powers, duties, functions, and responsibilities provided or  
10                  authorized for each by the constitution or laws which are in the nature of  
11                  policymaking, rulemaking, licensing, regulation, enforcement, or adjudication and  
12                  also shall continue to exercise all advisory powers, duties, functions, and  
13                  responsibilities provided by law. Such powers, duties, functions, and responsibilities  
14                  shall be exercised independently of the secretary and any assistant secretary, except  
15                  that:

16                                   \*       \*       \*

17           Section 3. R.S. 36:610(B)(10) is hereby repealed in its entirety.

18           Section 4. This Act is in no way and is to no extent intended to, nor shall it be  
19           construed in any manner which will impair the contractual or other obligations of any  
20           agency, office, or department, or of the state of Louisiana, the provisions for which are  
21           enacted, amended, or repealed by this Act. It is hereby specifically provided that all  
22           obligations of any such agency, office, or department hereafter shall be deemed to be  
23           obligations of the state Department of Education to the same extent as if originally made by  
24           it. In like manner and in order to prevent any violation of the provisions, terms, or  
25           conditions of any gift, donation, deed, will, trust, or other instrument or disposition by which  
26           property of any kind has been vested in any such agency, office, or department, or division  
27           from the purposes for which such property was thus vested in any agency, office, or  
28           department, it is hereby specifically provided that such instrument or disposition hereafter  
29           shall be deemed to have been vested in the state Department of Education and the state

1 superintendent of education shall be the successor in every way to each such agency,  
2 including all of the obligations and debts of each such agency.

3 Section 5. All rules and regulations adopted or permits, licenses, registrations,  
4 variances, or orders issued by the Louisiana Environmental Education Commission prior to  
5 the effective date of this Act, shall continue in full force and effect as rules and regulations  
6 of the agency within the state Department of Education until and after the effective date of  
7 this Act, unless otherwise revoked, repealed, amended, modified, or terminated in  
8 accordance with the law.

9 Section 6. Any legal proceeding, as defined in R.S. 36:924, to which any agency or  
10 office, the statutory provisions for which are amended or repealed by the provisions of this  
11 Act, is a party and which is filed, initiated, or otherwise pending before any court on the  
12 effective date of this Act and all documents involved in or affected by said legal proceeding,  
13 shall retain their effectiveness and shall be continued in the name of the former agency. All  
14 further legal proceedings and documents in the continuance, disposition, and enforcement  
15 of said legal proceedings shall be in the name of the original party agency, and the state  
16 Department of Education shall be substituted for the original party agency without the  
17 necessity for amendment or any document to substitute the name of the department or the  
18 name or title of any subdivision or section of the department. For purposes of this Section,  
19 "document" shall be defined as provided in R.S. 36:924.

20 Section 7. All employees heretofore engaged in the performance of functions of the  
21 Louisiana Environmental Education Commission, to the extent the state superintendent of  
22 education deems necessary to carry out the functions formerly performed, shall insofar as  
23 practicable and necessary continue to perform the duties heretofore performed, subject to  
24 applicable state civil service laws, rules, and regulations.

## 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)]

HB 501 Engrossed

2019 Regular Session

Bishop

**Abstract:** Moves the La. Environmental Education Commission from the Dept. of Wildlife and Fisheries to the state Dept. of Education.

Present law creates within the Dept. of Wildlife and Fisheries the La. Environmental Education Commission that develops and promotes environmental education and, through the commission's staff section, administers litter abatement programs.

Proposed law moves the La. Environmental Education Commission from the Dept. of Wildlife and Fisheries to the state Dept. of Education.

Proposed law provides for transitional provisions regarding obligations, rules and regulations, pending legal proceedings, and continuation of performance of duties by employees.

(Amends R.S. 30:2503(A)(1) and (C)(2), 2504(2) and (7), 2506(A), (B)(4), and (C)(15), 2517(A)(intro. para.), and R.S. 36:802(intro. para); Adds R.S. 36:651(CC); Repeals R.S. 36:610(B)(10))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Clarify that the La. Environmental Education Commission is transferring to the state Dept. of Education and will be under the direction and control of the state superintendent of education.
2. Add reporting to the House Committee on Education and Senate Committee on Education.
3. Remove creation of the Litter Abatement and Education Fund.
4. Add transitional provisions regarding obligations, rules and regulations, pending legal proceedings, and continuation of performance of duties by employees.