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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jeanne C. Johnston.

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SB 43 Engrossed

DIGEST  
2015 Regular Session

Appel

Proposed law (R.S. 17:6.1) requires the State Board of Elementary and Secondary Education (BESE) to adopt rules in accordance with the Administrative Procedure Act (APA) 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. Provides that the provisions of proposed law shall not apply to any statement, guideline, or requirement regulating only the internal management of the board or the state Department of Education.

Proposed law (R.S. 49:968.1) provides that each rule proposed by BESE to adopt, amend, suspend, or repeal state content standards for use in public elementary and secondary schools shall be submitted to the Senate Committee on Education and the House Committee on Education for review, in accordance with the provisions of the APA.

Proposed law 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 the provisions of present law that provide 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 retains present law, but provides that notwithstanding present law, a rule adopted by the BESE relative to state content standards adopted by the board for use in public elementary and secondary schools, may not be amended by the legislature and may only be suspended or repealed in its entirety.

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, upon the execution of such an order, to transmit copies of the executive order to the speaker of the House of Representatives and president of the Senate.

Proposed law retains present law, but provides that notwithstanding present law, the governor may only suspend or veto a rule adopted by BESE relative to state content standards adopted by the board

for use in public elementary and secondary schools in its entirety.

Effective if and when HB 373 of the 2015 Regular Session is enacted into law.

(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.