

BY REPRESENTATIVE EDWARDS

1 A CONCURRENT RESOLUTION

2 To adopt Joint Rule No. 9 and Joint Rule No. 20(A)(3)(b)(x) of the Joint Rules of the Senate

3 and House of Representatives and to repeal Joint Rule No. 20(A)(1)(b)(iii) of the

4 Joint Rules of the Senate and House of Representatives to provide procedures

5 relative to legislative approval of the formula to fund the Minimum Foundation

6 Program.

7 BE IT RESOLVED by the Legislature of Louisiana that Joint Rule No. 9 and Joint
8 Rule No. 20(A)(3)(b)(x) of the Joint Rules of the Senate and House of Representatives are
9 hereby adopted to read as follows:

Joint Rule No. 9. Approval of the Minimum Foundation Program formula

A.(1) Legislative approval of the formula annually developed and adopted
by the State Board of Elementary and Secondary Education to determine the cost of
a minimum foundation program of education pursuant to Article VIII, Section 13(B)
of the Constitution of Louisiana shall be by means of adoption of a concurrent
resolution.

16 (2) The concurrent resolution to effectuate legislative approval of the
17 minimum foundation program formula shall only be adopted by the same vote and,
18 except for gubernatorial veto, according to the same procedures and formalities
19 required for the enactment of a bill.

20 B. The concurrent resolution to effectuate legislative approval shall contain
21 the minimum foundation program formula developed and adopted by the State Board

1 of Elementary and Secondary Education and submitted to the legislature pursuant to
2 Article VIII, Section 13(B) of the Constitution of Louisiana.

3 C.(1) In order to be considered during a regular session convening in an even-
4 numbered year, the concurrent resolution to effectuate legislative approval of the
5 minimum foundation program formula developed and adopted by the State Board of
6 Elementary and Secondary Education pursuant to Article VIII, Section 13(B) of the
7 Constitution of Louisiana shall be introduced no later than six o'clock in the evening
8 of the twenty-third calendar day of the session.

9 (2) In order to be introduced and considered during a regular session
10 convening in an odd-numbered year, the concurrent resolution to effectuate
11 legislative approval of the minimum foundation program formula developed and
12 adopted by the State Board of Elementary and Secondary Education pursuant to
13 Article VIII, Section 13(B) of the Constitution of Louisiana shall be prefiled no later
14 than the deadline provided in Article III, Section 2(A)(2)(b).

15 * * *

16 Joint Rule No. 20. Odd-numbered year session bill limitations; amendment
17 limitations

18 In order to place the restrictions and limitations of Article III, Section
19 2(A)(4)(b) of the Constitution of Louisiana into the rules, procedures, and practices
20 of the Senate and the House of Representatives and to provide guidance to the
21 members of the legislature through the application of Louisiana case law as well as
22 the logical extrapolations which arise from such case law, the legislature does adopt
23 this Joint Rule, as follows:

24 A. During any regular session convening in an odd-numbered year, no matter
25 intended to have the effect of law, including any suspension of law, shall be
26 introduced, considered, or adopted unless it meets one of the following criteria:

27 * * *

28 (3)(a) Its object is not within the subject matter restrictions provided in
29 Article III, Section 2(A)(4)(b)(introductory paragraph) of the Constitution of
30 Louisiana or within the exception provided by Article III, Section 2(A)(4)(b)(ii) of

1 the Constitution of Louisiana, but it is prefiled no later than the deadline provided
2 in Article III, Section 2(A) of the Constitution of Louisiana, provided that a member
3 shall not prefile more than five such matters.

4 (b) Bills or resolutions which may be considered pursuant to this
5 Subparagraph, including those which have applicability in a particular locale but
6 which are not required to be advertised as provided by Article III, Section 13 of the
7 Constitution of Louisiana which shall be considered only pursuant to this
8 Subparagraph, shall include but shall not be limited to:

9 * * *

10 (x) The resolution to approve the formula to fund the Minimum Foundation
11 Program.

12 * * *

13 BE IT FURTHER RESOLVED by the Legislature of Louisiana that Joint
14 Rule No. 20(A)(1)(b)(iii) of the Joint Rules of the Senate and House of
15 Representatives is hereby repealed in its entirety.

16 BE IT FURTHER RESOLVED by the Legislature of Louisiana that this
17 concurrent resolution shall become effective on June 7, 2013.

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)]

Edwards

HCR No. 14

Abstract: Requires the passage of a concurrent resolution adopted according to the same procedures (except for veto) as required for the enactment of a bill to approve the MFP formula. Requires the concurrent resolution to be introduced no later than the same deadline for introducing bills in the regular session in even-numbered years and to be prefiled in the regular session in odd-numbered years.

Proposed Joint Rule provides that legislative approval of the minimum foundation program (MFP) formula adopted by BESE shall be by means of passage of concurrent resolution adopted by the same vote and, except for gubernatorial veto, according to the same procedures and formalities required for the enactment of a bill. Specifies that the concurrent resolution contain the MFP formula adopted by BESE and requires such resolution to be introduced by no later than 6 p.m. of the 23rd calendar day of regular session in an even-numbered year and specifies that the concurrent resolution shall be prefiled for consideration in a regular session in an odd-numbered year.

Present Joint Rule (Joint Rule No. 20) restates the jurisdiction limitations placed on the legislature's plenary power to legislate by Const. Art. III, §2(A)(4)(b), which provides for

the limited and restricted fiscal-related subject matter for regular sessions in odd-numbered years; which allows each member to introduce local and special matters which are required to be advertised, which have been properly advertised, and which are not prohibited local or special matters pursuant to the Const. Art. III, §12; and which allows each member to prefile up to five other matters. Provides a list of joint resolutions, bills, and suspension resolutions which may be considered under each of the three jurisdiction limits of Const. Art. III, §2(A)(4)(b).

Proposed Joint Rule removes the resolution to approve the MFP formula from the list of matters within the limited and restricted fiscal-related subject matters and provides that the resolution to approve the MFP is one of the five matters a member is required to prefile for consideration in a regular session in odd-number years.

Effective June 7, 2013.

(Adds Joint Rule No. 9 and No. 20(A)(93)(b)(x); Repeals Joint Rule No. 20(A)(1)(b)(iii))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original resolution.

1. Adds provisions requiring the resolution to be adopted by the same vote, and except for gubernatorial veto, according to the same procedures and formalities required for the enactment of a bill.
2. Removes the provision allowing the resolution to be introduced by the 10th calendar day in regular session in an odd-numbered year and requires the resolution to be prefiled in such a session.
3. Provides in odd-numbered year regular sessions, that the resolution is not within the subject matter restrictions for such sessions and is one of the five matters a member is required to prefile in order for it to be considered in the session.
4. Adds effective date of June 7, 2013.