

2025 Regular Session

SENATE BILL NO. 59

BY SENATOR REESE

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

ADMINISTRATIVE PROCEDURE. Provides for fiscal and economic impact statements under the Administrative Procedure Act. (8/1/25)

1 AN ACT

2 To amend and reenact R.S. 49:961(A)(2)(b), the introductory paragraph of R.S.  
3 49:962(D)(1), and 962(E) and to enact R.S. 49:961(E)(4) and 962(B)(1)(d), relative  
4 to the Administrative Procedures Act; to provide for statements of fiscal and  
5 economic impact; to provide for approval of appropriations by certain subject matter  
6 committees; to provide for procedures for emergency rules with a fiscal impact  
7 between certain dollar limits over; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 49:961(A)(2)(b), the introductory paragraph of R.S. 49:962(D)(1),  
10 and 962(E) are hereby amended and reenacted and R.S. 49:961(E)(4) and 962(B)(1)(d) are  
11 hereby enacted to read as follows:

12 §961. Procedure for adoption of rules

13 A.(1) \* \* \*

14 (2) The notice shall include all of the following:

15 \* \* \*

16 (b) A statement by the legislative fiscal office ~~on whether the proposed action~~  
17 ~~will result in a~~ **of the proposed action's** fiscal impact.

1 \* \* \*

2 E.(1) \* \* \*

3 **(4) Any proposed rule for which the legislative fiscal office determines**  
4 **will result in the expenditure of state funds or an economic impact involving**  
5 **costs to regulated entities estimated at two hundred thousand dollars per year**  
6 **or more or one million dollars over five years or more shall not take effect**  
7 **unless the appropriate house and senate subject matter committee of**  
8 **jurisdiction, meeting separately or jointly, approves the rule.**

9 \* \* \*

10 §962. Emergency rulemaking

11 \* \* \*

12 B.(1) No later than five days after the adoption of an emergency rule, the  
13 agency shall provide notice in writing of its emergency action along with a copy of  
14 the emergency rule. The notice shall contain, at a minimum, all of the following:

15 \* \* \*

16 **(d) A statement by the legislative fiscal office of the proposed rule's**  
17 **estimated financial and economic impact.**

18 \* \* \*

19 D.(1) Within sixty days after receipt of the emergency rule and agency notice  
20 required in Subsection B of this Section by the presiding officer of either the House  
21 of Representatives or the Senate, an oversight subcommittee of either house may  
22 individually or jointly conduct a hearing to review the emergency rule and make a  
23 determination of whether the emergency rule meets the criteria for an emergency  
24 rule set forth in Subsection A of this Section. **The appropriate house or senate**  
25 **subject matter committee of jurisdiction, meeting separately or jointly, shall**  
26 **conduct a hearing to review emergency rules for which the legislative fiscal**  
27 **office determines will result in the expenditure of state funds or an economic**  
28 **impact involving costs to regulated entities estimated at two hundred thousand**  
29 **dollars or more per year or one million dollars or more over five years.** The

1 oversight subcommittee shall also make the following determinations:

2 \* \* \*

3 E. Within sixty days after adoption of an emergency rule, the governor may  
4 review such emergency rule and make the determinations as provided in Subsection  
5 D of this Section. If within this time period the governor finds an emergency rule  
6 unacceptable, he shall prepare a written report as provided in Paragraph (D)(2) of  
7 this Section and transmit copies to the agency proposing the emergency rule and the  
8 Louisiana Register no later than four days after the governor makes his  
9 determination.

10 **(1) Consistent with the limitations on emergency powers of the governor**  
11 **or other executive or administrative officials in the state, proposed emergency**  
12 **rules for which the legislative fiscal office determines will result in the**  
13 **expenditure of state funds or an economic impact involving costs to regulated**  
14 **entities estimated at two hundred thousand dollars per year or one million**  
15 **dollars or more over five years may go into effect for the duration of the**  
16 **emergency if the governor publishes a statement with the rule:**

17 **(a) Explaining why an emergency exists that requires an earlier effective**  
18 **date for the rule, or why a federal requirement or federal funding requires an**  
19 **earlier effective date.**

20 **(b) Explaining why the issuance of the rule otherwise complies with**  
21 **emergency powers, statutes and limitations or is required by federal law or for**  
22 **federal funding.**

23 **(2) The appropriate house and senate subject matter committee of**  
24 **jurisdiction, meeting separately or jointly, shall meet within sixty days to**  
25 **approve the proposed emergency rule for which the legislative fiscal office**  
26 **determines will result in the expenditure of state funds estimated at two**  
27 **hundred thousand dollars or more per year or one million dollars or more over**  
28 **five years at its next regular meeting.**

29 \* \* \*

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

---

DIGEST

SB 59 Original 2025 Regular Session Reese

Present law relative to the Administrative Procedures Act, provides for the information required to be included in a notice to adopt, amend, or repeal any rule. Further provides that a statement by the legislative fiscal office shall include whether the proposed action will result in a fiscal impact.

Proposed law retains present law but provides that the legislative fiscal office shall provide a statement of the proposed action's fiscal impact.

Proposed law provides a requirement that if a proposed rule will result in the expenditure of state funds or an economic impact involving costs to regulated entities estimated at \$200,000 per year or more to \$1 million over five years or more shall not take effect unless first approved by the appropriate house and senate subject matter committees.

Present law provides for the notice requirements for an agency that has promulgated an emergency rule.

Proposed law retains present law but requires an additional notice requirement of a statement by the legislative fiscal office of the proposed rule's estimated financial and economic impact.

Present law provides that within 60 days of receipt of the proposed emergency rule that the presiding officer of either the house or senate may convene an oversight committee either individually or jointly to conduct a hearing to review the emergency rule and make a determination of whether the emergency rule satisfies the emergency rule criteria.

Proposed law retains present law but requires that the house or senate subject matter committee shall conduct a hearing to review emergency rules for which the legislative fiscal office determines will result in expenditures of state funds or an economic impact involving costs to regulated entities at \$200,000 or more per year or \$1 million or more over five years.

Present law provides that within 60 days of a proposed emergency rule being adopted that the governor may review the rule and if he finds it unacceptable he shall prepare a written report and send copies to the Louisiana Register no later than four days after the governor makes his determination.

Proposed law retains present law but provides that when the legislative fiscal office has determined that the rule will result in expenditures of state funds or an economic impact of \$200,000 or more per year or \$1 million or more over five years that if the governor prepares a written report that he shall explain why the emergency exists that requires an earlier effective date or why a federal requirement or federal funding requires an earlier effective date, and why the issuance of the rule complies with existing powers, statutes and limitations or is required by federal law or funding.

Effective August 1, 2025.

(Amends R.S. 49:961(A)(2)(b), 962(D)(1)(intro para), and 962(E); adds R.S. 49:961(E)(4) and 962(B)(1)(d))