
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

SB 237 Original DIGEST Ward
2020 Regular Session

Present law provides that, prior to the adoption, amendment, or repeal of any rule or regulation by a state agency, the agency will notify the public of the change by sending a notice of intent to make the rule or regulation change to the office of the state register for publication in the *La. Register*.

Present law provides that, before a rule or regulation can be implemented, the agency must provide a statement, which is approved by the legislative fiscal office, regarding the fiscal impact and the economic impact of the intended action. Present law further provides that, if the agency determines that there is an economic impact on small business, the agency must prepare an economic impact statement as it relates to the impact that the proposed rule would have on small businesses prior to sending the proposed rule or regulation change to the office of the state register for publication in the *La. Register*.

Present law requires that the fiscal impact statement be summarized by the agency as to the estimated costs and/or economic benefits to directly affected persons, small businesses, or nongovernmental groups and that the summary shall be published in the *La. Register*.

Proposed law retains present law but separates the fiscal and economic impact statement from the small business impact statement.

Proposed law deletes the requirements that the agency determine if there is an economic impact to small business exclusive from the impact to the economy as a whole. Proposed law instead provides a notice to small business, via the small business impact statement, which requires the agency to report the following:

- (1) The name, address, and phone number of the agency proposing the rule.
- (2) The title of the rule, the date of first publication of the rule, and the effective date of the rule.
- (3) A brief summary statement of the content of the proposed rule if the rule is proposed for adoption or repeal. A brief summary statement of the change to an existing rule if the proposed rule is for an amendment to an existing rule. The same brief summary statement that is used for the fiscal and economic impact statement required in present law may be used for the small business impact statement.
- (4) A summary of the circumstances which require the proposed rule. If the proposed rule is required by federal regulation, the federal statute or regulation cited.
- (5) A designation as to all of which persons or entities that are reasonably expected to be

impacted by the proposed rule:

- (a) Businesses located in Louisiana.
- (b) Individual citizens of Louisiana.
- (d) Both citizens and businesses.
- (e) Neither citizens or businesses.

If the agency determines that the proposed rule will not have any impact on businesses in Louisiana, the agency shall give a brief statement as to why the proposed rule does not impact businesses and which individuals are expected to be impacted by the proposed rule.

- (6) If the agency determines that the proposed rule is reasonably expected to impact businesses in any manner, the agency will identify one of the following:
 - (a) Small businesses are expected to be impacted.
 - (b) Large businesses are expected to be impacted.
 - (c) Both small and large businesses are expected to be impacted.
 - (d) Agency is unsure whether the expected impact to businesses will be born by small businesses, large businesses, or both.
- (7) If the agency determines that the proposed rule is reasonably expected to impact businesses in any manner, the agency will identify one of the following business sectors which is reasonably expected to be impacted:
 - (a) Accommodations and Hospitality.
 - (b) Accounting.
 - (c) Agriculture and Farming.
 - (d) Automobiles.
 - (e) Chemical Industry.
 - (f) Communications.
 - (g) Construction.
 - (h) Education Services or Contractors.

- (i) Engineering.
- (j) Environmental Services.
- (k) Entertainment.
- (l) Fishing and Aquaculture.
- (m) Food Services.
- (n) Funeral Homes, Mortuaries, and Internment Services.
- (o) Healthcare or Medical Services.
- (p) Information Technology.
- (q) Insurance.
- (r) Manufacturing.
- (s) Oil or Petroleum.
- (t) Real Estate.
- (u) Retail Establishments.
- (v) Timber and Forestry.
- (w) Transportation.
- (x) Other Businesses or Industries not listed.

Present law requires that, no later than the 10th day of the month, the office of the state register shall electronically transmit all of the small business economic impact statements, the small business regulatory flexibility analyses, and the fiscal impact statement approved by the legislative fiscal office to the secretary of state's commercial division. Present law provides that, upon receiving the electronic transfer of information from the office of the state register, the secretary of state's commercial division will do all of the following:

- (1) On the 15th day of the month, post the information on the commercial division's internet page under the heading of "proposed state rules and regulations that may affect your business".
- (2) No later than the 16th day of the month, electronically transfer the information to the Louisiana Association of Business and Industry and the Louisiana Chapter of the National

Federation of Independent Business, and to each person who has made a timely request of the department for such notices.

Proposed law retains present law but only requires that the small business impact statement be electronically transferred from the office of the state register to the office secretary of state's commercial division.

Effective August 1, 2020.

(Amends R.S. 49:953(A)(1)(a)(x), (E)(3), and (I)(1), 978.3(3), (4), and (5), 978.4; adds R.S. 49:978.3(6))