

HOUSE COMMITTEE AMENDMENTS

2022 Regular Session

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 390 by Representative Wright

1 AMENDMENT NO. 1

2 Delete the set of Committee Amendments (#1712) previously adopted by the Committee on
3 House and Governmental Affairs on April 6, 2022

4 AMENDMENT NO. 2

5 On page 1, line 2, after "To" and before "enact" insert "amend and reenact R.S.
6 49:968(B)(introductory paragraph) and (24), (D)(1)(a) and (2), and (H)(1),"

7 AMENDMENT NO. 3

8 On page 1, line 2, after "R.S. 49:954(C)," insert "and to repeal R.S. 49:968(E)(2),"

9 AMENDMENT NO. 4

10 On page 1, line 3, after "rules;" and before "and to" insert "to require legislative oversight
11 hearings; to provide for the timing of the oversight hearings; to provide for oversight
12 subcommittees; to require notice of initiation of rulemaking to legislators;"

13 AMENDMENT NO. 5

14 On page 1, line 5, after "Section 1." and before "R.S. 49:954(C)" insert "R.S.
15 49:968(B)(introductory paragraph) and (24), (D)(1)(a) and (2), and (H)(1) are hereby
16 amended and reenacted and"

17 AMENDMENT NO. 6

18 On page 1, delete lines 8 through 10, and insert the following:

19 "C. A rule promulgated in accordance with R.S. 49:963 and adopted
20 by an agency subsequent to a determination by an oversight subcommittee
21 that the proposed rule change is unacceptable as provided in R.S. 49:968
22 shall expire no later than June thirtieth following the second regular session
23 of the legislature following its adoption unless the legislature, by concurrent
24 resolution, authorizes its continued effectiveness.

25 * * *
26 §968. Review of agency rules; fees
27 * * *

28 B. Prior to the adoption, amendment, or repeal of any rule or the
29 adoption, increase, or decrease of any fee, the agency shall submit a report
30 relative to such proposed rule change or fee adoption, increase, or decrease
31 to the appropriate standing committees of the legislature, each member of the
32 legislature via electronic mail, and the presiding officers of the respective
33 houses as provided in this Section. The report shall be so submitted on the
34 same day the notice of the intended action is submitted to the Louisiana
35 Register for publication in accordance with R.S. 49:953(A)(1). The report
36 shall be submitted to each standing committee electronically if electronic
37 means are available. If no electronic means are available, the report shall be
38 submitted to the committee's office in the state capitol by certified mail with
39 return receipt requested or by messenger who shall provide a receipt for

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

signature. The electronic receipt by the committee, return receipt or the messenger's receipt shall be proof of receipt of the report by the committee.

* * *

(24)(a) In addition to the submission of a report relative to a proposed rule change or fee adoption, increase, or decrease by an agency to the appropriate standing committee as specified in Paragraphs (1) through (23) of this Subsection, whenever the fiscal impact of the rule or fee adoption, increase, or decrease, as indicated by the statement of fiscal impact required by Paragraph (C)(5) of this Section, exceeds one million dollars, the report on the proposed rule change or fee adoption, increase, or decrease shall also be submitted to the Senate Committee on Finance and the House Committee on Appropriations and shall be subject to review by those committees in the same manner and to the same extent as the review of the standing committees provided for in Paragraphs (1) through (23) of this Subsection.

~~(b) Whenever the fiscal impact or economic impact of the proposed rule change or fee adoption, increase, or decrease is five hundred thousand dollars or more as indicated by the statement of fiscal impact or the statement of economic impact required by Subsection C of this Section, the agency shall transmit the report provided for in Subsection C of this Section to each member of the legislature via electronic mail on the same day the notice of the intended action is submitted to the Louisiana Register for publication in accordance with R.S. 49:953.~~

* * *

D.(1)(a) The chairman of each standing committee to which reports are submitted shall appoint an oversight subcommittee, which ~~may~~ shall conduct hearings on all rules that are proposed for adoption, amendment, or repeal and on all proposed fee adoptions, increases, or decreases. Any such hearing shall be conducted after any hearing is conducted by the agency pursuant to R.S. 49:953(A)(2).

* * *

(2)(a) Except as provided in Paragraph (H)(2) of this Section, ~~any~~ the subcommittee hearing on a proposed rule shall be held no earlier than five days and no later than ~~thirty~~ sixty days following the day the report required by Subparagraph (1)(b) of this Subsection is received by the subcommittee.

(b) The oversight subcommittee may consist of the entire membership of the standing committee and shall consist of at least ~~a majority of the membership~~ three members of the standing committee, at the discretion of the chairman of the standing committee, with the concurrence of the speaker of the House of Representatives or the president of the Senate. House and Senate oversight subcommittees may meet jointly or separately to conduct hearings for purposes of rules review.

* * *

H.(1) ~~If both the House and Senate oversight subcommittees fail to find~~ neither the house or senate oversight subcommittee rejects or fails to find a proposed rule change unacceptable as provided ~~herein in this Section,~~ or if the governor disapproves the action of an oversight subcommittee within the time provided in ~~R.S. 49:968(G)~~ Subsection G of this Section, the proposed rule change may be adopted by the agency in the identical form proposed by the agency or with technical changes or with changes suggested by the subcommittee, provided at least ninety days and no more than twelve months have elapsed since notice of intent was published in the Louisiana Register.

* * *

Section 2. R.S. 49:968(E)(2) is hereby repealed in its entirety."