

2022 Regular Session

HOUSE BILL NO. 145

BY REPRESENTATIVE EDMONSTON

ADMINISTRATIVE PROCEDURE: Provides relative to rule making procedure

1 AN ACT

2 To amend and reenact R.S. 49:953.1(B)(2)(a) and 968(B)(introductory paragraph),
3 (D)(1)(b)(introductory paragraph) and (K)(1), to enact R.S. 49:950.1, and to repeal
4 R.S. 49:968(B)(24)(b), relative to the Administrative Procedure Act; to require
5 notification of legislators during the procedure for adoption of rules; to provide for
6 the submission of specified reports regarding rules to legislators; to provide for an
7 effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 49:953.1(B)(2)(a) and 968(B)(introductory paragraph),
10 (D)(1)(b)(introductory paragraph), and (K)(1) are hereby amended and reenacted and R.S.
11 49:950.1 is hereby enacted to read as follows:

12 §950.1. Legislative electronic mail information

13 The chief clerical officers of the legislature shall maintain the appropriate
14 electronic mail addresses to be used to satisfy the requirements of this Chapter that
15 require transmittals to each member of the legislature and to oversight committees
16 via electronic mail.

17 * * *

18 §953.1. Emergency rulemaking

19 * * *

20 B.

21 * * *

1 (2)(a) The notice required in Paragraph (1) of this Subsection shall be
2 transmitted to the governor of the state of Louisiana, the attorney general, the
3 speaker of the House of Representatives, the president of the Senate, each member
4 of the legislature via electronic mail, and the office of the state register in accordance
5 with each entity's transmittal policy.

6 * * *

7 §968. Review of agency rules; fees

8 * * *

9 B. Prior to the adoption, amendment, or repeal of any rule or the adoption,
10 increase, or decrease of any fee, the agency shall submit a report relative to such
11 proposed rule change or fee adoption, increase, or decrease to the appropriate
12 standing committees of the legislature, each member of the legislature via electronic
13 mail, and the presiding officers of the respective houses as provided in this Section.
14 The report shall be so submitted on the same day the notice of the intended action is
15 submitted to the Louisiana Register for publication in accordance with R.S.
16 49:953(A)(1). The report shall be submitted to each standing committee
17 electronically if electronic means are available. If no electronic means are available,
18 the report shall be submitted to the committee's office in the state capitol by certified
19 mail with return receipt requested or by messenger who shall provide a receipt for
20 signature. The electronic receipt by the committee, return receipt or the messenger's
21 receipt shall be proof of receipt of the report by the committee.

22 * * *

23 D.(1)

24 * * *

25 (b) The agency shall submit a report to the subcommittee and to each
26 member of the legislature, in the same manner as the submittal of the report provided
27 for in Subsection B of this Section, which shall include:

28 * * *

1 K.(1) Each year, no later than thirty days prior to the beginning of the regular
 2 session of the legislature, each agency shall submit a report to the appropriate
 3 committees and to each member of the legislature as provided for in Subsection B
 4 of this Section. This report shall contain a statement of the action taken by the
 5 agency with respect to adoption, amendment, or repeal of each rule proposed for
 6 adoption, amendment, or repeal during the previous year and a report of the action
 7 taken by the agency with respect to any proposed fee adoption, increase, or decrease
 8 during the previous year.

9 * * *

10 Section 2. R.S. 49:968(B)(24)(b) is hereby repealed in its entirety.

11 Section 3. This Act shall become effective upon signature by the governor or, if not
 12 signed by the governor, upon expiration of the time for bills to become law without signature
 13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 15 effective on the day following such approval.

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)]

HB 145 Reengrossed

2022 Regular Session

Edmonston

Abstract: Provides for notifications to legislators via electronic mail with respect to administrative rules.

Present law provides that prior to the adoption, amendment, or repeal of any rule, the agency shall give notice of its intended action. The notice of the intent and the approved fiscal and economic impact statements shall be mailed to all persons who have made timely request of the agency for such notice. Present law requires the agency to submit a report to the appropriate standing committees of the legislature relative to such intended action on the same day the notice is submitted the La. Register. Present law further requires the agency to submit a summary report containing specified information, including the agency's response to comments received regarding the proposal to the appropriate oversight committees. Present law further requires each agency to submit annual report of rulemaking activities to the appropriate oversight committee no later than 30 days prior to the beginning of each regular session.

Proposed law retains present law and further requires the reports to be transmitted to each member of the legislature via electronic mail.

Present law requires the report regarding intended rulemaking activity on proposals having a fiscal impact or economic impact is \$500,000 or more as indicated by the requires statement of fiscal impact or statement of economic impact to be transmitted to each member of the legislature via electronic mail. Proposed law removes this requirement.

Present law provides that no later than five days after the adoption of an emergency rule, the agency shall provide notice in writing of its emergency action along with a copy of the emergency rule. The notice shall be transmitted to the governor, the attorney general, the speaker of the House of Representatives, the president of the Senate, and the office of the state register.

Proposed law retains present law and also requires the notice to be transmitted to each member of the legislature via electronic mail.

Proposed law further requires the chief clerical officers of the legislature to maintain the appropriate electronic mail addresses to be used to satisfy the requirements of the Administrative Procedure Act that require transmittals to each member of the legislature and to oversight committees via electronic mail.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 49:953.1(B)(2)(a), and 968(B)(intro. para.), (D)(1)(b)(intro. paragraph) and (K)(1); Adds R.S. 49:950.1; Repeals R.S. 49:968(B)(24(b))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Remove proposed law removing the governor's authority to disapprove any action taken by the subcommittee if such action is approved by a two-thirds vote of the members.
2. Remove the repeal of present law relative to the governor's power to suspend or veto a rule or regulation.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Add requirement that the summary report and the annual rulemaking report be sent via electronic mail to each legislator.
3. Add requirement that the chief clerical officers of the legislature maintain electronic mail addresses relative to the electronic mail requirements of the APA.