

## RÉSUMÉ DIGEST

**HB 145**

**2022 Regular Session**

**Edmonston**

Present law, the Administrative Procedure Act, establishes procedures for the adoption of rules by executive branch agencies.

Present law, with respect to regular rule making, includes requirements that the agency submit two reports to the legislature:

- (1) The notice of intended action shall be submitted to the appropriate standing committee of the legislature and the presiding officers of the respective houses on the same day the notice is submitted to the La. Register for publication.
- (2) A report that includes public comments on the rule and modifications of the proposed rule shall be sent to the appropriate legislative subcommittee.

Present law, with respect to emergency rule making, provides that no later than five days after the adoption of an emergency rule, the agency shall provide notice of its emergency action 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.

Present law requires each agency to submit an annual report of rule making activities to the appropriate oversight committee no later than 30 days prior to the beginning of each regular session.

Proposed law would have additionally required all of these reports to be transmitted to each member of the legislature via electronic mail. Would have required the chief clerical officers of the legislature to maintain the appropriate electronic mail addresses agencies would use to satisfy the requirements of proposed law.

(Proposed to amend R.S. 49:953.1(B)(2)(a) and 968(B)(intro. para.), (D)(1)(b)(intro. para.) and (K)(1); Proposed to add R.S. 49:950.1)

### **VETO MESSAGE:**

"This bill provides for a change in the Administrative Procedure Act by requiring agencies to notify all members of the legislature, via email, of administrative rule changes and the adoption of fees. Current law already provides for a requirement that the legislative leadership and the appropriate oversight committees of the legislature be notified of these administrative changes. If the legislative leadership believes it appropriate to forward these notices to all members, it is able to do so. However, an administrative rule should not be placed in possible jeopardy simply because one member of the legislature, not on an oversight committee, does not receive an email notice of the rule adoption. This bill does not provide any additional transparency or oversight and could have significant, though perhaps unintended, effects."