

Regular Session, 2014

HOUSE BILL NO. 322

BY REPRESENTATIVE JONES

ADMINISTRATIVE PROCEDURE: Requires rulemaking agencies to publish on the Internet certain information concerning proposed rules and fees

1 AN ACT

2 To enact R.S. 49:974, relative to administrative procedure; to require agencies to publish on
3 the Internet certain information concerning rulemaking and fees; to provide for the
4 information that must be published; to provide for the manner of such publication;
5 to provide certain requirements for departments and the division of administration
6 regarding such publication; to provide for deadlines; to provide for effectiveness; and
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 49:974 is hereby enacted to read as follows:

10 §974. Internet publication of certain information concerning proposed rules and
11 fees; information required to be published; manner of publication; deadlines

12 A.(1) Each agency shall include on its Internet website the information
13 required by Subsection B of this Section.

14 (2)(a) If an agency does not have an Internet website, the department of
15 which the agency is a part shall include the information required by Subsection B of
16 this Section for the agency on the website of the department.

17 (b) If an agency in the office of the governor does not have an Internet
18 website, the division of administration shall include the information required by
19 Subsection B of this Section for the agency on the Internet website of the division
20 of administration.

1 B. All of the following information shall be included on the website:

2 (1) A brief description of each rule or fee that the agency is in the process
3 of adopting, amending, or repealing. For each such rule or fee, links to the following
4 shall be included:

5 (a) The full text of the current rule or fee.

6 (b) A copy of the proposed rule or statement of the proposed fee in the form
7 required by R.S. 49:968(C)(1).

8 (c) The name and contact information of the person within the agency who
9 has the responsibility for responding to inquiries about the intended action as
10 required by R.S. 49:953(A)(1)(a)(iv).

11 (d) The time when, the place where, and the manner in which interested
12 persons may present their views concerning the intended action as required by R.S.
13 49:953(A)(1)(a)(v).

14 (e) The anticipated effective date for the proposed rule or fee.

15 (f) A copy of the notice of intent submitted to the Louisiana Register
16 pursuant to R.S. 49:953(A)(1)(b) and the date the notice of intent will be published
17 in the Louisiana Register.

18 (g) A copy of the report submitted to the legislative oversight subcommittees
19 pursuant to R.S. 49:968(D)(1)(b) and a copy of the public notice required by R.S.
20 49:968(D)(1)(c).

21 (h) A copy of any announcement of a hearing and report made pursuant to
22 R.S. 49:968(H)(2).

23 (i) A copy of any report received by the agency from a legislative oversight
24 subcommittee pursuant to R.S. 49:968(F) or from the governor pursuant to R.S.
25 49:968(I).

26 (2) A copy of the annual report submitted to the legislative oversight
27 subcommittees by the agency pursuant to R.S. 49:968(K).

28 C.(1)(a) The information required to be published pursuant to Subparagraphs
29 (B)(1)(a) through (g) of this Section shall be published in the manner required by this

1 Section no later than five days after the date on which the agency submits the report
2 for the proposed rule or fee to the legislative oversight subcommittees pursuant to
3 R.S. 49:968(B).

4 (b) The copy of the announcement required to be published pursuant to
5 Subparagraph (B)(1)(h) of this Section shall be published in the manner required by
6 this Section no later than five days after the announcement is submitted to the
7 Louisiana Register in accordance with R.S. 49:968(H)(2).

8 (c) The copy of the report required to be published pursuant to Subparagraph
9 (B)(1)(i) of this Section shall be published in the manner required by this Section no
10 later than five days after the report is received by the agency.

11 (d) The copy of the annual report required to be published pursuant to
12 Paragraph (B)(2) of this Section shall be published in the manner required by this
13 Section no later than five days after the report is submitted to the legislative
14 oversight subcommittees by the agency pursuant to R.S. 49:968(K).

15 (2) If an agency does not have an Internet website, the agency shall submit
16 the information required by this Section to be published to the department or to the
17 division of administration, as the case may be, in a manner which allows enough
18 time for the information to be published as required by this Section prior to the
19 applicable deadline provided in Paragraph (1) of this Subsection.

20 D.(1) All of the information required to be published pursuant to this Section
21 shall be archived for a minimum of one year following the date of publication.

22 (2) Each agency, department, or the division of administration, as the case
23 may be, shall include on its Internet home page a link to the information required to
24 be published pursuant to this Section.

25 E. The provisions of this Section shall not be construed to require the
26 publication of information concerning the adoption, amendment, or repeal of any
27 rule or fee unless and until the agency gives notice of its intended action pursuant to
28 R.S. 49:953(A).

1 Section 2.(A) Prior to the effective date of Section 1 of this Act, each agency, each
2 department in the executive branch of state government, and the division of administration
3 shall take all reasonable action necessary to ensure that the requirements of R.S. 49:974 as
4 enacted by this Act will be satisfied beginning on the effective date of Section 1 of this Act.

5 (B) This Section shall become effective upon signature of this Act by the governor
6 or, if not signed by the governor, upon expiration of the time for bills to become law without
7 signature by the governor, as provided by Article III, Section 18 of the Constitution of
8 Louisiana. If this Act is vetoed by the governor and subsequently approved by the
9 legislature, this Section shall become effective on the day following such approval.

10 (C) Section 1 of this Act shall become effective January 1, 2015.

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)]

Jones

HB No. 322

Abstract: Requires rulemaking agencies to publish on the Internet certain information concerning proposed rules and fees.

Present law (R.S. 49:950 et seq.—Administrative Procedure Act) provides procedures and requirements for the adoption, amendment, and repeal of rules and fees. Requires certain notice and reporting by agencies. Provides deadlines. Proposed law retains present law.

Proposed law additionally requires publication of certain information concerning proposed rules and fees. Requires each rulemaking agency to include on its Internet website certain information. Provides that if an agency does not have an Internet website, the department of which the agency is a part shall include the required information for the agency on the website of the department. Provides that if an agency in the office of the governor does not have an Internet website, the division of administration shall include the required information for the agency on its Internet website.

Proposed law requires the following information to be included on the website:

- (1) A brief description of each rule or fee that the agency is in the process of adopting, amending, or repealing. For each such rule or fee, links to the following shall be included:
 - (a) The full text of the current rule or fee.
 - (b) A copy of the proposed rule or statement of the proposed fee in the form required by present law (R.S. 49:968(C)(1)), which requires the proposed change to be coded with any new rule or language that is to be added to an existing agency rule underscored and any language that is to be deleted from an existing agency rule in struck-through type.

- (c) The name and contact information of the person within the agency who has the responsibility for responding to inquiries about the intended action as required by present law (R.S. 49:953(A)(1)(a)(iv)).
 - (d) The time when, the place where, and the manner in which interested persons may present their views concerning the intended action as required by present law (R.S. 49:953(A)(1)(a)(v)).
 - (e) The anticipated effective date for the proposed rule or fee.
 - (f) A copy of the notice of intent submitted to the La. Register pursuant to present law (R.S. 49:953(A)(1)(b)) and the date the notice of intent will be published in the La. Register.
 - (g) A copy of the report submitted to the legislative oversight subcommittees pursuant to present law (R.S. 49:968(D)(1)(b)) and a copy of the public notice required by present law (R.S. 49:968(D)(1)(c)).
 - (h) A copy of any announcement of a hearing and report made pursuant to present law (R.S. 49:968(H)(2)), which is required when substantive changes are made to proposed rules.
 - (i) A copy of any report received by the agency from a legislative oversight subcommittee pursuant to present law (R.S. 49:968(F)) finding a proposed rule change or proposed fee to be unacceptable, or from the governor pursuant to present law (R.S. 49:968(I)) disapproving action of an oversight subcommittee.
- (2) A copy of the annual report submitted to the legislative oversight subcommittees by the agency pursuant to present law (R.S. 49:968(K)), which requires reporting concerning action taken by the agency with respect to adoption, amendment, or repeal of each rule proposed for adoption, amendment, or repeal and a report of the action taken by the agency with respect to any proposed fee adoption, increase, or decrease during the previous year.

Proposed law provides that the information described in (1)(a) through (g) above shall be published no later than five days after the date on which the agency submits the report for the proposed rule or fee to the legislative oversight subcommittees pursuant to present law (R.S. 49:968(B)). Provides that the other information must be published within five days of when it is submitted as required by law or received by the agency, as the case may be.

Proposed law provides that if an agency does not have an Internet website, the agency shall submit the information to the department or to the division of administration, as the case may be, in a manner which allows enough time for the information to be published prior to the applicable deadline provided in proposed law.

Proposed law requires all of the information required to be published to be archived for a minimum of one year following the date of publication. Provides that each agency, department, or the division of administration, as the case may be, shall include on its Internet home page a link to the information required to be published pursuant to proposed law.

Proposed law provides that it shall not be construed to require the publication of information concerning the adoption, amendment, or repeal of any rule or fee unless and until the agency gives notice of its intended action pursuant to present law (R.S. 49:953(A)).

Requirements for publication are effective Jan. 1, 2015, but requires each agency, each department in the executive branch of state government, and the division of administration

to take all reasonable action necessary prior to Jan. 1, 2015, to ensure that the requirements of proposed law will be satisfied beginning on Jan. 1, 2015.

(Adds R.S. 49:974)

Summary of Amendments Adopted by House

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

1. Adds provisions stating that proposed law shall not be construed to require the publication of information concerning any rule or fee until the agency gives notice of its intended action.