2020 Second Extraordinary Session

HOUSE CONCURRENT RESOLUTION NO. 28

BY REPRESENTATIVE MIGUEZ

ADMINISTRATIVE PROCEDURE: Provides relative to promulgation of rules related to COVID-19 health emergency

1	A CONCURRENT RESOLUTION
2	To direct any state agency, board, or commission to comply with the Administrative
3	Procedure Act in taking actions related to COVID-19 or to the implementation of
4	any directive arising from an executive order or proclamation issued by the governor
5	if such action meets the definition of a rule under the Administrative Procedure Act.
6	WHEREAS, the Legislature of Louisiana has previously defined what constitutes a
7	rule; and
8	WHEREAS, the Legislature of Louisiana has previously provided for the emergency
9	promulgation of rules; and
10	WHEREAS, the governor and agencies under his direction and control have not
11	properly promulgated rules related to COVID-19 pursuant to the Administrative Procedure
12	Act; and
13	WHEREAS, actions taken without proper compliance with the Administrative
14	Procedure Act are ultra vires in that they exceed the authority granted by the legislature; and
15	WHEREAS, many of the directives contained within a gubernatorial executive order
16	or proclamation require agency action to effectuate them; and
17	WHEREAS, the Louisiana Homeland Security and Emergency Assistance and
18	Disaster Act and the Louisiana Health Emergency Powers Act both contemplate compliance
19	with the Administrative Procedure Act.
20	THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
21	direct any state agency, board, or commission to comply with the Administrative Procedure

- 1 Act in taking any action related to COVID-19 or to the implementation of any directive
- 2 arising from an executive order or proclamation issued by the governor if such action meets
- 3 the definition of a rule under the Administrative Procedure Act.

DIGEST

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HCR 28 Original	2020 Second Extraordinary Session	Miguez
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Abstract: Provides directive to state agencies relative to promulgation of rules related to COVID-19 health emergency

Directs a state agency, board, or commission to comply with the Administrative Procedure Act in taking any action related to COVID-19 or to the implementation of any directive arising from an executive order or proclamation issued by the governor if such action meets the definition of a rule under the Administrative Procedure Act.