AN ACT

To amend and reenact R.S. 49:953(A)(1)(c) and (F)(3)(c), 953.1(B)(2)(a), and 968(B)(introductory paragraph) and (G) and to repeal R.S. 49:970, relative to the Administrative Procedures Act; to require notification of legislators during the procedure for adoption of rules; to remove gubernatorial suspension or veto power with respect to adopted rules; to provide relative to gubernatorial authority during the rule making process; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:953(A)(1)(c) and (F)(3)(c), 953.1(B)(2)(a), and 968(B)(introductory paragraph) and (G) are hereby amended and reenacted to read as follows:

§953. Procedure for adoption of rules; agency rule review

A. Prior to the adoption, amendment, or repeal of any rule, the agency shall:

(1) * * *

(c) Notice of the intent of an agency to adopt, amend, or repeal any rule and the approved fiscal and economic impact statements, as provided for in this Subsection, shall be:
(i) mailed to all persons who have made timely request of the agency for such notice, which notice and statements shall be mailed at the earliest possible date, and in no case later than ten days after the date when the proposed rule change is submitted to the Louisiana Register.

(ii) Transmitted to each member of the legislature via electronic mail no later than ten days after the date the proposed rule change is submitted to the Louisiana Register.

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F.

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(3)

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(c) Notice of the intent of the department to adopt the rule shall be:

(i) mailed to all persons who have made timely request for such notice, which notice shall be mailed at the earliest possible date, and in no case later than ten days after the date when the proposed rule is submitted to the Louisiana Register.

(ii) Transmitted to each member of the legislature via electronic mail no later than ten days after the date the proposed rule change is submitted to the Louisiana Register.

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§953.1. Emergency rulemaking

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B.

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

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§968. Review of agency rules; fees

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B. Prior to the adoption, amendment, or repeal of any rule or the adoption,
increase, or decrease of any fee, the agency shall submit a report relative to such
proposed rule change or fee adoption, increase, or decrease to the appropriate
standing committees of the legislature, each member of the legislature via electronic
mail, and the presiding officers of the respective houses as provided in this Section.
The report shall be so submitted 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(A)(1). The report shall be submitted to each standing committee
electronically if electronic means are available. If no electronic means are available,
the report shall be submitted to the committee's office in the state capitol by certified
mail with return receipt requested or by messenger who shall provide a receipt for
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.

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G.(1) After receipt of the report of the subcommittee, the governor shall have
ten calendar days in which to disapprove the action taken by the subcommittee
except as provided by Paragraph (2) of this Subsection. If the action of the
subcommittee is not disapproved by the governor within ten calendar days from the
day the subcommittee report is delivered to him, the rule change shall not be adopted
by the agency until it has been changed or modified and subsequently found
acceptable by the subcommittee, or has been approved by the standing committee,
or by the legislature by concurrent resolution. If a proposed rule change is
determined to be unacceptable by an oversight committee and such determination is
not disapproved by the governor as provided in this Section, the agency shall not
propose a rule change or emergency rule that is the same or substantially similar to
such disapproved proposed rule change nor shall the agency adopt an emergency rule
that is the same or substantially similar to such disapproved proposed rule change
within four months after issuance of a written report by the subcommittee as
provided in Subsection F of this Section nor more than once during the interim
between regular sessions of the legislature.

(2) The governor shall have no authority to disapprove any action taken by
the subcommittee when such action is approved by a two-thirds vote of the members
of the subcommittee who are present and voting, provided a quorum is present.

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Section 2. R.S. 49:970 is hereby repealed in its entirety.

Section 3. This Act shall become effective upon signature by the governor or, if not
signed by the governor, upon expiration of the time for bills to become law without signature
by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
vetoed by the governor and subsequently approved by the legislature, this Act shall become
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 Original 2022 Regular Session Edmonston

Abstract: Provides for notifications and gubernatorial authority 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.

Proposed law retains present law and also requires the notice of intent and the approved
fiscal and economic impact statements to be transmitted to each member of the legislature
via electronic mail.

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.

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.
Proposed law retains present law and also requires the notice to be transmitted to each member of the legislature via electronic mail.

Present law provides that the chairman of each standing committee to which reports are submitted shall appoint an oversight subcommittee, which may conduct hearings on all rules that are proposed for adoption, amendment, or repeal and on all proposed fee adoptions, increases, or decreases. The subcommittee shall make a determination in regards to whether the rule change or action on fees is acceptable or unacceptable. If the subcommittee determines that a proposed rule change or proposed fee action is unacceptable, it shall provide a written report to the governor, the agency proposing the rule change, and the Louisiana Register no later than four days after its determination. Proposed law retains present law. Present law further provides that after receipt of the report of the subcommittee, the governor has 10 calendar days in which to disapprove the action taken by the subcommittee. Proposed law retains present law but removes 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 of the subcommittee who are present and voting, provided a quorum is present.

Present law provides that the governor, by executive order, may suspend or veto any rule or regulation or body of rules or regulations adopted by a state department, agency, board or commission within 30 days of their adoption.

Proposed law repeals present law.

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

(Amends R.S. 49:953(A)(1)(c) and (F)(3)(c), 953.1(B)(2)(a), and 968(B)(intro. para.) and (G); Repeals R.S. 49:970)