

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(A)(1)(c) and (F)(3)(c), 953.1(B)(2)(a), and
3 968(B)(introductory paragraph), relative to the Administrative Procedures Act; to
4 require notification of legislators during the procedure for adoption of rules; to
5 remove gubernatorial suspension or veto power with respect to adopted rules; to
6 provide relative to gubernatorial authority during the rule making process; to provide
7 for an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 49:953(A)(1)(c) and (F)(3)(c), 953.1(B)(2)(a), and
10 968(B)(introductory paragraph) are hereby amended and reenacted to read as follows:

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

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

13 (1)

14 * * *

15 (c) Notice of the intent of an agency to adopt, amend, or repeal any rule and
16 the approved fiscal and economic impact statements, as provided for in this
17 Subsection, shall be:

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

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

4 * * *

5 F.

6 * * *

7 (3)

8 * * *

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

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

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

17 * * *

18 §953.1. Emergency rulemaking

19 * * *

20 B.

21 * * *

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

27 * * *

28 §968. Review of agency rules; fees

29 * * *

1 B. Prior to the adoption, amendment, or repeal of any rule or the adoption,
 2 increase, or decrease of any fee, the agency shall submit a report relative to such
 3 proposed rule change or fee adoption, increase, or decrease to the appropriate
 4 standing committees of the legislature, each member of the legislature via electronic
 5 mail, and the presiding officers of the respective houses as provided in this Section.
 6 The report shall be so submitted on the same day the notice of the intended action is
 7 submitted to the Louisiana Register for publication in accordance with R.S.
 8 49:953(A)(1). The report shall be submitted to each standing committee
 9 electronically if electronic means are available. If no electronic means are available,
 10 the report shall be submitted to the committee's office in the state capitol by certified
 11 mail with return receipt requested or by messenger who shall provide a receipt for
 12 signature. The electronic receipt by the committee, return receipt or the messenger's
 13 receipt shall be proof of receipt of the report by the committee.

* * *

15 Section 2. This Act shall become effective upon signature by the governor or, if not
 16 signed by the governor, upon expiration of the time for bills to become law without signature
 17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 19 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 Engrossed

2022 Regular Session

Edmonston

Abstract: Provides for notifications 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.

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

Effective upon signature of 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.))

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.