

2016 Regular Session

SENATE BILL NO. 175

BY SENATOR DONAHUE

FISCAL CONTROLS. Provides for the requirement that proposed agency rules with a fiscal impact of more than \$100,000 be submitted to the Senate Finance and House Appropriations committees for review. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 49:968(B)(24)(a), relative to the review of agency rules or fees;
3 to provide for the review of rules when the fiscal impact exceeds a certain threshold;
4 to provide for an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1 R.S. 49:968(B)(24)(a) is hereby amended and reenacted to read as follows:

7 §968. Review of agency rules; fees

8 * * *

9 B. Prior to the adoption, amendment, or repeal of any rule or the adoption,
10 increase, or decrease of any fee, the agency shall submit a report relative to such
11 proposed rule change or fee adoption, increase, or decrease to the appropriate
12 standing committees of the legislature and the presiding officers of the respective
13 houses as provided in this Section. The report shall be so submitted on the same day
14 the notice of the intended action is submitted to the Louisiana Register for
15 publication in accordance with R.S. 49:953(A)(1). The report shall be submitted to
16 each standing committee electronically if electronic means are available. If no
17 electronic means are available, the report shall be submitted to the committee's office

1 in the state capitol by certified mail with return receipt requested or by messenger
2 who shall provide a receipt for signature. The electronic receipt by the committee,
3 return receipt or the messenger's receipt shall be proof of receipt of the report by the
4 committee.

5 * * *

6 (24)(a) In addition to the submission of a report relative to a proposed rule
7 change or fee adoption, increase, or decrease by an agency to the appropriate
8 standing committee as specified in Paragraphs (1) through (23) of this Subsection,
9 whenever the fiscal impact of the rule or fee adoption, increase, or decrease, as
10 indicated by the statement of fiscal impact required by Paragraph (C)(5) of this
11 Section, exceeds one ~~million~~ **hundred thousand** dollars, the report on the proposed
12 rule change or fee adoption, increase, or decrease shall also be submitted to the
13 Senate Committee on Finance and the House Committee on Appropriations and shall
14 be subject to review by those committees in the same manner and to the same extent
15 as the review of the standing committees provided for in Paragraphs (1) through (23)
16 of this Subsection.

17 * * *

18 Section 2. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
22 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jay R. Lueckel.

DIGEST

SB 175 Original

2016 Regular Session

Donahue

Present law provides for a procedure whereby the legislature may review the exercise of rule-making authority and the adoption, increase, or decrease of fees, or extensions of the legislative lawmaking function, which it has delegated to state agencies.

Present law provides that 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 and the presiding officers of the respective houses.

Present law also provides that, in addition to the submission of a report relative to a proposed rule change or fee adoption, increase, or decrease by an agency to the appropriate standing committee, whenever the fiscal impact of the rule or fee adoption, increase, or decrease, as indicated by the statement of fiscal impact, exceeds one million dollars, the report on the proposed rule change or fee adoption, increase, or decrease shall also be submitted to the Senate Committee on Finance and the House Committee on Appropriations and shall be subject to review by those committees in the same manner and to the same extent as the review of the standing committees.

Proposed law retains present law but lowers the threshold from \$1 million to \$100,000.

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

(Amends R.S. 49:968(B)(24)(a))