

Regular Session, 2012

HOUSE BILL NO. 529

BY REPRESENTATIVE BARROW

ADMINISTRATIVE PROCEDURE: Requires an agency to send notice of certain rules to each member of the legislature under certain circumstances

1 AN ACT

2 To amend and reenact R.S. 49:968(B)(24), relative to administrative procedure; to require
3 agencies to send certain notifications and reports to legislators regarding certain
4 proposed rule or fee changes; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 49:968(B)(24) 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 increasing, or decreasing 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 at the committee's office in the state capitol by certified
17 mail with return receipt requested or by messenger who shall provide a receipt for
18 signature. The return receipt or the messenger's receipt shall be proof of receipt of
19 the report by the committee.

20 * * *

21 (24)(a) In addition to the submission of a report relative to a proposed rule
22 change or fee adoption, increase, or decrease by an agency to the appropriate
23 standing committee as specified in Paragraphs (1) through (23) of this Subsection,

1 whenever the fiscal impact of the rule or fee adoption, increase, or decrease, as
2 indicated by the statement of fiscal impact required by ~~R.S. 49:968~~ Paragraph (C)(5)
3 of this Section, exceeds one million dollars, the report on the proposed rule change
4 or fee adoption, increase, or decrease shall also be submitted to the Senate
5 Committee on Finance and the House Committee on Appropriations and shall be
6 subject to review by those committees in the same manner and to the same extent as
7 the review of the standing committees provided for in Paragraphs (1) through (23)
8 of this Subsection.

9 (b) Whenever the fiscal impact or economic impact of the proposed rule
10 change or fee adoption, increase, or decrease is five hundred thousand dollars or
11 more as indicated by the statement of fiscal impact or the statement of economic
12 impact required by Subsection C of this Section, the agency shall transmit the report
13 provided for in Subsection C of this Section to each member of the legislature via
14 electronic mail on the same day the notice of the intended action is submitted to the
15 Louisiana Register for publication in accordance with R.S. 49:953.

16 * * *

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

Barrow

HB No. 529

Abstract: Requires an agency to transmit the report on the proposed rule change or fee adoption, increase, or decrease to each member of the legislature via electronic mail whenever the fiscal impact or economic impact of the proposed rule or fee change is \$500,000 or more.

Present law (Administrative Procedure Act) requires an agency, prior to the adoption, amendment, or repeal of any rule or the adoption, increasing, or decreasing of any fee, to

submit a report relative to such proposed rule change or fee adoption, increase, or decrease to the appropriate standing committees and the presiding officers of the legislature. Present law (R.S. 49:968(C)) specifies the content of the report and provides that it include a statement of fiscal impact and a statement of economic impact approved by the Legislative Fiscal Office. Requires the report to be submitted on the same day the notice of the agency's intended action is submitted to the La. Register for publication. Further requires the report to be submitted to the Senate Committee on Finance and the House Committee on Appropriations whenever the fiscal impact of the rule or fee adoption, increase, or decrease, as indicated by the statement of fiscal impact, exceeds \$1 million and specifies that the proposed rule or fee change 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 further requires an agency to transmit the report to each member of the legislature via electronic mail on the same day the notice of the intended action is submitted to the La. Register for publication whenever the fiscal impact or economic impact of the proposed rule change or fee adoption, increase, or decrease is \$500,000 or more as indicated by the statement of fiscal impact or the statement of economic impact.

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

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