

SENATE BILL NO. 422

BY SENATOR CLAITOR

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AN ACT

To amend and reenact R.S. 49:953(B)(1) and (4)(a), relative to the Administrative Procedure Act; to provide for legislative review of emergency rules or fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:953(B)(1) and (4)(a) are hereby amended and reenacted to read as follows:

§953. Procedure for adoption of rules

* * *

B.(1)(a) If an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon shorter notice than that provided in Subsection A of this Section and within five days of adoption states in writing to the governor of the state of Louisiana, the attorney general of Louisiana, the speaker of the House of Representatives, the president of the Senate, and the Department of the State Register, its reasons for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule. The provisions of this Paragraph also shall apply to the extent necessary to avoid sanctions or penalties from the United States, or to avoid a budget deficit in the case of medical assistance programs or to secure new or enhanced federal funding in medical assistance programs. The agency statement of its reason for finding it necessary to adopt an emergency rule shall include specific reasons

1 why the failure to adopt the rule on an emergency basis would result in imminent
 2 peril to the public health, safety, or welfare, or specific reasons why the emergency
 3 rule meets other criteria provided in this Paragraph for adoption of an emergency
 4 rule.

5 (b) The agency statement required in Subparagraph (a) of this
 6 Paragraph shall be submitted to the speaker of the House of Representatives
 7 and the president of the Senate at their respective offices in the state capitol by
 8 electronic transmission if such means are available. If electronic means are not
 9 available, the agency statement shall be submitted to the office of the speaker
 10 of the House of Representatives and the president of the Senate in the state
 11 capitol by certified mail with the return receipt requested or by messenger who
 12 shall provide a receipt for signature. The return receipt, the receipt for
 13 signature, or the electronic confirmation receipt shall be proof of receipt of the
 14 agency statement by the respective offices.

15 * * *

16 (4)(a) Within sixty days after receipt of the agency statement required in
 17 Paragraph (1) of this Subsection by the presiding officer of either house adoption
 18 of ~~for~~ an emergency rule or fee, an oversight subcommittee of ~~either~~ that house may
 19 conduct a hearing to review the emergency rule or fee and make a determination of
 20 whether such rule or fee meets the criteria for an emergency rule or fee as provided
 21 in Paragraph (1) of this Subsection and those determinations as provided in R.S.
 22 49:968(D)(3). If within such time period an oversight subcommittee finds an
 23 emergency rule or fee unacceptable, it shall prepare a written report containing a
 24 copy of the proposed rule or proposed fee action and a summary of the
 25 determinations made by the committee and transmit copies thereof as provided in
 26 R.S. 49:968(F)(2).

27 * * *

28 Section 2. This Act shall become effective upon signature by the governor or, if not
 29 signed by the governor, upon expiration of the time for bills to become law without signature
 30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____