

Regular Session, 2012

SENATE BILL NO. 750 (Substitute of Senate Bill No. 328 by Senator Broome)

BY SENATOR BROOME

ADMINISTRATIVE PROCEDURE. Requires the consideration of certain poverty impact issues and issuance of a poverty impact statement prior to the adoption, amendment, or repeal of rules by a state agency. (1/1/13)

1 AN ACT

2 To enact R.S. 49:953(A)(1)(a)(ix) and 973, relative to administrative procedure; to provide
3 that prior to the adoption, amendment, or repeal of any rule by any state agency that
4 a poverty impact statement be issued; to provide for contents of the poverty impact
5 statement; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 49:953(A)(1)(a)(ix) and 973 are hereby enacted to read as follows:

8 §953. Procedure for adoption of rules

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

10 (1)(a) Give notice of its intended action and a copy of the proposed rules at
11 least ninety days prior to taking action on the rule. The notice shall include:

12 * * *

13 (ix) A statement concerning the impact on child, individual, or family
14 poverty in relation to individual or community asset development as set forth
15 in R.S. 49:973.

16 * * *

17 §973. Poverty impact statement; issues to be considered; procedure

1 **A. In the formation of rules, each state agency shall consider and state**
 2 **in writing the impact of such rules on child, individual, or family poverty in**
 3 **relation to individual or community asset development prior to the adoption**
 4 **and implementation of such rules. This written consideration shall be known as**
 5 **the "poverty impact statement".**

6 **B. The poverty impact statement will consider and respond in writing to**
 7 **the following regarding the proposed rule:**

8 **(1) The effect on household income, assets, and financial security.**

9 **(2) The effect on early childhood development and preschool through**
 10 **postsecondary education development.**

11 **(3) The effect on employment and workforce development.**

12 **(4) The effect on taxes and tax credits.**

13 **(5) The effect on child and dependent care, housing, health care,**
 14 **nutrition, transportation, and utilities assistance.**

15 **C. All poverty impact statements shall be in writing and kept on file in**
 16 **the state agency which has adopted, amended, or repealed a rule in accordance**
 17 **with the applicable provisions of law relating to public records.**

18 **D. For the purposes of this Section, the word "poverty" means living at**
 19 **or below one hundred percent of the federal poverty line.**

20 Section 2. This Act shall become effective on January 1, 2013; if vetoed by the
 21 governor and subsequently approved by the legislature, this Act shall become effective on
 22 January 1, 2013, or on the day following such approval by the legislature, whichever is later.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Lauren Bailey.

DIGEST

Broome (SB 750)

Proposed law requires that before any state agency adopts, amends, or repeals a rule governing the application or maintenance of a policy or program, that the state agency provide a written poverty impact statement. For rules, the statement must be included in the notice of intent to adopt rules published in the Louisiana Register and provided to legislative oversight committees. The poverty impact statement will consider and state in writing the impact the proposed rule will have on child, individual, or family poverty in relation to individual or community asset development. The following must be considered prior to the

adoption, amendment, or repeal of any rule:

1. The effect on household income, assets, and financial security.
2. The effect on early childhood development and preschool through postsecondary education development.
3. The effect on employment and workforce development.
4. The effect on taxes and tax credits.
5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Proposed law further mandates that the written poverty impact statements be kept on file in accordance with present law provisions relating to public records.

Proposed law defines "poverty" for purposes of proposed law as living at or below one hundred percent of the federal poverty line.

(Adds R.S. 49:953(A)(1)(a)(ix) and 973)