
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry J. Guillot.

DIGEST

Claitor (SB 422)

Present law, relative to the adoption of emergency rules or fees under the Administrative Procedure Act, provides that if an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon shorter notice than otherwise required and within five days of adoption states in writing to the governor, the attorney general, the House speaker, the Senate president, 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.

Present law provides that within 60 days after adoption of an emergency rule or fee, an oversight subcommittee of either house may conduct a hearing to review the emergency rule or fee and make a determination of whether such rule or fee meets the criteria for an emergency rule or fee, whether the rule or fee is in conformity with the intent and scope of the enabling legislation purporting to authorize its adoption; whether the rule or fee is in conformity and not contrary to law and the constitution; the advisability or relative merit of the rule or fee; and whether the rule or fee is acceptable or unacceptable. If within that time period an oversight subcommittee finds an emergency rule or fee unacceptable, the subcommittee shall prepare a written report containing a copy of the proposed rule or fee action and a summary of the determinations made by the committee and transmit copies to the governor, the agency, and the Louisiana Register no later than four days after the committee makes its determination.

Proposed law requires that the agency submit the written reasons to the House speaker and the Senate president at their respective office in the state capitol by certified mail with return receipt requested or by messenger who shall provide a receipt for signature. Provides that the return receipt or the messenger's receipt is proof of receipt.

Proposed law permits a subcommittee hearing within 60 days after receipt of an agency statement by the Senate president, or the House speaker, as the case may be. Otherwise retains present law.

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

(Amends R.S. 49:953(B)(1) and (4)(a))