

ACT No. 401

Regular Session, 2014

HOUSE BILL NO. 322

BY REPRESENTATIVE JONES

1 AN ACT

2 To enact R.S. 49:974, relative to administrative procedure; to require agencies to publish on
3 the Internet certain information concerning rulemaking and fees; to provide for the
4 information that must be published; to provide for the manner of such publication;
5 to provide certain requirements for departments and the division of administration
6 regarding such publication; to provide for deadlines; to provide for effectiveness; and
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 49:974 is hereby enacted to read as follows:

10 §974. Internet publication of certain information concerning proposed rules and
11 fees; information required to be published; manner of publication; deadlines

12 A.(1) Each agency shall include on its Internet website the information
13 required by Subsection B of this Section.

14 (2)(a) If an agency does not have an Internet website, the department of
15 which the agency is a part shall include the information required by Subsection B of
16 this Section for the agency on the website of the department.

17 (b) If an agency in the office of the governor does not have an Internet
18 website, the division of administration shall include the information required by
19 Subsection B of this Section for the agency on the Internet website of the division
20 of administration.

21 B. All of the following information shall be included on the website:

22 (1) A brief description of each rule or fee that the agency is in the process
23 of adopting, amending, or repealing. For each such rule or fee, links to the following
24 shall be included:

- 1 (a) The full text of the current rule or fee.
- 2 (b) A copy of the proposed rule or statement of the proposed fee in the form
- 3 required by R.S. 49:968(C)(1).
- 4 (c) The name and contact information of the person within the agency who
- 5 has the responsibility for responding to inquiries about the intended action as
- 6 required by R.S. 49:953(A)(1)(a)(iv).
- 7 (d) The time when, the place where, and the manner in which interested
- 8 persons may present their views concerning the intended action as required by R.S.
- 9 49:953(A)(1)(a)(v).
- 10 (e) The anticipated effective date for the proposed rule or fee.
- 11 (f) A copy of the notice of intent submitted to the Louisiana Register
- 12 pursuant to R.S. 49:953(A)(1)(b) and the date the notice of intent will be published
- 13 in the Louisiana Register.
- 14 (g) A copy of the report submitted to the legislative oversight subcommittees
- 15 pursuant to R.S. 49:968(D)(1)(b) and a copy of the public notice required by R.S.
- 16 49:968(D)(1)(c).
- 17 (h) A copy of any announcement of a hearing and report made pursuant to
- 18 R.S. 49:968(H)(2).
- 19 (i) A copy of any report received by the agency from a legislative oversight
- 20 subcommittee pursuant to R.S. 49:968(F) or from the governor pursuant to R.S.
- 21 49:968(I).
- 22 (2) A copy of the annual report submitted to the legislative oversight
- 23 subcommittees by the agency pursuant to R.S. 49:968(K).
- 24 C.(1)(a) The information required to be published pursuant to Subparagraphs
- 25 (B)(1)(a) through (g) of this Section shall be published in the manner required by this
- 26 Section no later than five days after the date on which the agency submits the report
- 27 for the proposed rule or fee to the legislative oversight subcommittees pursuant to
- 28 R.S. 49:968(B).
- 29 (b) The copy of the announcement required to be published pursuant to
- 30 Subparagraph (B)(1)(h) of this Section shall be published in the manner required by

1 this Section no later than five days after the announcement is submitted to the
 2 Louisiana Register in accordance with R.S. 49:968(H)(2).

3 (c) The copy of the report required to be published pursuant to Subparagraph
 4 (B)(1)(i) of this Section shall be published in the manner required by this Section no
 5 later than five days after the report is received by the agency.

6 (d) The copy of the annual report required to be published pursuant to
 7 Paragraph (B)(2) of this Section shall be published in the manner required by this
 8 Section no later than five days after the report is submitted to the legislative
 9 oversight subcommittees by the agency pursuant to R.S. 49:968(K).

10 (2) If an agency does not have an Internet website, the agency shall submit
 11 the information required by this Section to be published to the department or to the
 12 division of administration, as the case may be, in a manner which allows enough
 13 time for the information to be published as required by this Section prior to the
 14 applicable deadline provided in Paragraph (1) of this Subsection.

15 D.(1) All of the information required to be published pursuant to this Section
 16 shall be archived for a minimum of one year following the date of publication.

17 (2) Each agency, department, or the division of administration, as the case
 18 may be, shall include on its Internet home page a link to the information required to
 19 be published pursuant to this Section.

20 E. The provisions of this Section shall not be construed to require the
 21 publication of information concerning the adoption, amendment, or repeal of any
 22 rule or fee unless and until the agency gives notice of its intended action pursuant to
 23 R.S. 49:953(A).

24 Section 2.(A) Prior to the effective date of Section 1 of this Act, each agency, each
 25 department in the executive branch of state government, and the division of administration
 26 shall take all reasonable action necessary to ensure that the requirements of R.S. 49:974 as
 27 enacted by this Act will be satisfied beginning on the effective date of Section 1 of this Act.

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

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

3 (C) Section 1 of this Act shall become effective January 1, 2015.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____