

2025 Regular Session

SENATE BILL NO. 59

BY SENATOR REESE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ADMINISTRATIVE PROCEDURE. Provides for fiscal and economic impact statements under the Administrative Procedure Act. (8/1/25)

1 AN ACT

2 To amend and reenact R.S. 49:961(A)(2)(b) and to enact R.S. 49:961(E)(4), relative to the
3 Administrative Procedure Act; to provide for statements of fiscal and economic
4 impact; to provide for approval of appropriations by certain subject matter
5 committees; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 49:961(A)(2)(b) is hereby amended and reenacted and R.S.
8 49:961(E)(4) is hereby enacted to read as follows:

9 §961. Procedure for adoption of rules

10 A.(1) * * *

11 (2) The notice shall include all of the following:

12 * * *

13 (b) A statement by the legislative fiscal office ~~on whether the proposed action~~
14 ~~will result in a~~ of the proposed action's fiscal impact. If the proposed rule is
15 required by or necessary to implement legislation, any fiscal impact accounted
16 for in the fiscal note associated with that legislation, shall not be considered a
17 fiscal impact of the proposed action.

1 * * *

2 E.(1) * * *

3 (4)(a) Except as otherwise provided in Subparagraph (b) of this
4 Paragraph, any proposed rule that the legislative fiscal office determines will
5 result in either the expenditure of state funds or an economic impact involving
6 costs to regulated entities estimated at two hundred thousand dollars per year
7 or more or six hundred thousand dollars or more over three years shall not take
8 effect unless the appropriate legislative oversight subcommittee approves the
9 rule.

10 (b) A proposed rule specified in Subparagraph (a) of this Paragraph may
11 take effect without the approval of the legislative oversight subcommittees
12 meeting separately or jointly only if:

13 (i) a legislative oversight subcommittee fails to meet for the purpose of
14 making a determination of the proposed rule within thirty days of receipt of the
15 report required by R.S. 49:966(D)(1)(b); and

16 (ii) the governor approves the final promulgation of the rule in writing.

17 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

SB 59 Reengrossed

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Present law relative to the Administrative Procedure Act, provides for the information required to be included in a notice to adopt, amend, or repeal any rule. Further provides that a statement by the legislative fiscal office shall include whether the proposed action will result in a fiscal impact.

Proposed law retains present law but provides that the legislative fiscal office shall provide a statement of the proposed action's fiscal impact.

Proposed law provides a requirement that if a proposed rule will result in the expenditure of state funds or an economic impact involving costs to regulated entities estimated at \$200,000 per year or more to \$1M over five years or more, shall not take effect unless first approved by the appropriate house and senate subject matter committees or the governor approves the final rule in writing.

Effective August 1, 2025.

(Amends R.S. 49:961(A)(2)(b); adds R.S. 49:961(E)(4))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Removes changes to emergency rules.
2. Authorizes the governor to approve the final rule in writing.

Senate Floor Amendments to engrossed bill

1. Provides that if the proposed rule is required by or necessary to implement legislation, any fiscal impact accounted for in the fiscal note for that legislation, shall not be considered a fiscal impact of the proposed rule.
2. Changes the fiscal impact amount from \$1M over five years or more to \$600,000 or more over 3 years".
3. Provides that a proposed rule may take effect without the approval of the oversight subcommittees if a subcommittee fails to meet and if the governor approves the final promulgation of the rule in writing.