2024 Regular Session

HOUSE BILL NO. 109

BY REPRESENTATIVE MACK

## ADMINISTRATIVE PROCEDURE: Provides relative to the review of agency rules

1	AN ACT
2	To amend and reenact R.S. 49:964(A) and 966(K)(2) and to enact R.S. 49:964(D), relative
3	to administrative procedure; to provide for processes to review agency rules; to
4	provide relative to the availability of information regarding the ability of the public
5	to request rule changes; to require the Office of the State Register to provide for a
6	portal for such purposes; to require agencies to review rules each year; and to require
7	certain information to be including in an agency's annual report to the appropriate
8	committees of the legislature; and to provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 49:964(A) and 966(K)(2) are hereby amended and reenacted and
11	R.S. 49:964(D) is hereby enacted to read as follows:
12	§964. Public request for the adoption, amendment, or repeal of a rule; agency rule
13	review
14	A.(1) An interested person may petition an agency requesting the adoption,
15	amendment, or repeal of a rule. Each agency shall prescribe by rule the form for
16	petitions and the procedure for their submission, consideration, and disposition.
17	Within ninety days after submission of a petition, the agency shall either deny the
18	petition in writing, stating reasons for the denial, or shall initiate rulemaking
19	proceedings in accordance with this Chapter. Each agency with an appropriated
20	operating budget of five million dollars or more shall include on its website a

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

2	Subsection.		
3	(2) The Office of the State Register shall provide for and host an online		
4	portal on its webpage to allow any interested person the opportunity to comment on		
5	any rule of an agency which the person believes is contrary to law, outdated,		
6	unnecessary, overly complex, or burdensome. The Office of the State Register shall		
7	forward each comment to the appropriate agency. Within ninety days after receiving		
8	a comment, the agency shall either respond in writing to the person stating reasons		
9	the agency disagrees with the comment or shall initiate rulemaking proceedings to		
10	address the comments in accordance with this Chapter.		
11	* * *		
12	D. Each year, each agency shall review a sufficient number of the rules		
13	adopted by the agency so that all of the rules of the agency have been reviewed		
14	within a five-year period and shall submit a report to the appropriate legislative		
15	oversight committees in the manner provided by R.S. 49:966(K). The report shall		
16	include a listing of the rules reviewed by the agency during the previous calendar		
17	year, a description of whether each such rule is necessary and consistent with law		
18	and the agency's mission, a determination whether the probable benefits of the rule		
19	outweigh the burdens and costs on persons regulated by the rule, and the agency's		
20	proposed action, if any, regarding each such rule; a complete listing of rules		
21	reviewed by the agency since the beginning of the five-year period; and the		
22	percentage of the agency's rules that have been reviewed by the agency since the		
23	beginning of the five-year period.		
24	* * *		
25	§966. Review of agency rules; fees		
26	* * *		
27	К.		
28	* * *		
29	(2) The report required by Paragraph (1) of this Subsection shall also		

description of the procedure for submitting petitions in accordance with this

30 contain:

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1	a (a) A recitation of each petition, and submission, and comment, if any,
2	received by the agency pursuant to R.S. 49:964 during the previous calendar year
3	and the agency's response to each petition, and submission, and comment, if any
4	were received.
5	(b) The report required by R.S. 49:964(D).
6	* * *

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

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Abstract: Requires each agency to review all its rules over a five-year period to identify agency rules that may be unnecessary or inconsistent with law or the agency's mission and rules that are overly burdensome and to include specified information regarding the review in the annual rulemaking report submitted to the appropriate committees of the legislature and requires the Office of the State Register to host a portal to allow the public to comment on rules.

<u>Present law</u> (Administrative Procedure Act) provides procedures for the adoption, amendment, and repeal of rules by executive branch agencies and for legislative oversight regarding such rule changes.

<u>Present law</u> (R.S. 49:954) further provides that an interested person may petition an agency requesting rule changes. Requires each agency to prescribe by rule the form for petitions and the procedure for submission, consideration, and disposition. Requires the agency, within 90 days after submission of a petition, to either deny the petition in writing, stating reasons for the denial, or initiate rulemaking proceedings. Further requires an occupational licensing board to a review a regulation provided for a petition for full compliance with the least restrictive regulation as set forth <u>present law</u> (R.S. 37:43 or R.S. 49:260). Requires each agency with an appropriated operating budget of \$5 million or more to include a description of the procedure for submitting petitions on its website. <u>Proposed law</u> removes the limitation on the requirement to agencies that have an appropriated budget of \$5 million or more.

<u>Proposed law</u> further requires the Office of the State Register to provide for an online portal on its webpage to allow any interested person the opportunity to comment on any rule of an agency which the person believes is contrary to law, outdated, unnecessary, overly complex, or burdensome. Requires the office to forward each comment to the appropriate agency. Requires the agency to, within 90 days, either respond in writing to the person stating reasons the agency disagrees with the comment or initiate rulemaking proceedings to address the comments in accordance with the Administrative Procedure Act.

<u>Present law</u> further requires each agency, at least once prior to Jan. 1, 2020, and at least once every six-year period thereafter, to conduct a public hearing to allow any person to comment on any rule of the agency which the person believes is contrary to law, outdated, unnecessary, overly complex, or burdensome. Requires the agency to give at least 30 days notice of the meeting by publishing it in the La. Register, sending notice to the appropriate legislative oversight committees, and providing notice of the meeting to all persons who

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have made timely request of the agency. Specifies the content of the notice. Requires the agency to issue a response to each submission and requires all submissions, responses, and statements to be furnished to the respective legislative oversight committees in the annual report of rulemaking in the annual report of rulemaking required by <u>present law</u> (R.S. 49:966(K)) and made available to interested persons no later than one day following submission to the appropriate legislative oversight committees. <u>Proposed law</u> requires the agency to include the comments received through the portal and the agency response to the report.

<u>Proposed law</u> further requires each agency to review a sufficient number of its rules so that all of the rules of the agency have been reviewed within a five-year period and to submit a report to the appropriate legislative oversight committees in the annual report of rulemaking required by <u>present law</u> (R.S. 49:966(K)). Requires the review report to include a listing of the rules reviewed by the agency during the previous calendar year, a description of whether each such rule is necessary and consistent with law and the agency's mission, a determination whether the probable benefits of the rule outweigh the burdens and costs on persons regulated by the rule, and the agency's proposed action regarding each such rule; a complete listing of rules reviewed during the five-year period; and the percentage of the agency's rules that have been reviewed during the five-year period.

(Amends R.S. 49:964(A) and 966(K)(2); Adds R.S. 49:964(D))