

2026 Regular Session

HOUSE BILL NO. 709

BY REPRESENTATIVE WRIGHT

ADMINISTRATIVE PROCEDURE: Provides relative to the promulgation of rules pursuant to the Administrative Procedure Act

1 AN ACT

2 To amend and reenact R.S. 49:961(A)(1) and (2)(a) and 966(D)(1)(a) and (L), to enact R.S.
3 49:965(C), and to repeal R.S. 49:966(E)(2), relative to the Administrative Procedure
4 Act; to provide for the promulgation of rules; to provide for the procedure for the
5 adoption of rules; to provide for the elimination of rules; to provide for the expiration
6 of agency rules; to provide relative to legislative oversight; to require oversight
7 hearings; to provide relative to the validity of rules; to provide for application and
8 effectiveness; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 49:961(A)(1) and (2)(a) and 966(D)(1)(a) and (L) are hereby
11 amended and reenacted and R.S. 49:965(C) is hereby enacted to read as follows:

12 §961. Procedure for adoption of rules

13 A.(1)(a) An agency shall give notice of its intention to adopt, amend, or
14 repeal any rule and a copy of the proposed rules at least ninety days prior to taking
15 action on the rule.

16 (b) If an agency is proposing to adopt a new rule, the agency shall at the
17 same time identify and give notice of its intention to repeal two rules of the agency
18 in the manner provided in this Section.

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

1 (a)(i) A statement by the agency clearly describing the proposed action being
2 taken.

3 (ii) If the proposed action is the adoption of a new rule, a statement by the
4 agency identifying the two rules it intends to repeal at the same time.

5 * * *

6 §965. Filing; taking effect of rules; expiration of rules

7 * * *

8 C. A rule adopted in accordance with R.S. 49:961 shall expire on June
9 thirtieth of the year following the year of its adoption unless legislation is enacted
10 to continue the effectiveness of the rule to a certain date or indefinitely.

11 * * *

12 §966. Review of agency rules; fees

13 * * *

14 D.(1)(a) The chairman of each standing committee to which reports are
15 submitted shall appoint an oversight subcommittee, which ~~may~~ shall conduct
16 hearings on all rules that are proposed for adoption, amendment, or repeal and on all
17 proposed fee adoptions, increases, or decreases. ~~Any~~ The oversight committee
18 hearing shall be conducted after any hearing is conducted by the agency pursuant to
19 R.S. 49:961.

20 * * *

21 L. After submission of the report required by Subsection K of this Section
22 to the standing committee, a public hearing ~~may~~ shall be held by the committee for
23 the purpose of reviewing the report with representatives of the agency.

24 * * *

25 Section 2. R.S. 49:966(E)(2) is hereby repealed in its entirety.

26 Section 3. The provisions of this Act shall apply to rules proposed for adoption,
27 amendment, or repeal and in a notice of intent submitted on or after the effective date of this
28 Act for publication in the Louisiana Register.

1 Section 4. This Act shall become effective upon signature by the governor or, if not
 2 signed by the governor, upon expiration of the time for bills to become law without signature
 3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 5 effective on the day following such approval.

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)]

HB 709 Original

2026 Regular Session

Wright

Abstract: Provides for the termination of rules promulgated pursuant to the Administrative Procedure Act and requires oversight committees to conduct hearings on proposed rules and to review agencies' annual rulemaking reports.

Present law, the Administrative Procedure Act (APA), establishes procedures for the adoption of rules by executive branch agencies.

Present law provides that prior to the adoption, amendment, or repeal of any rule, the agency shall give notice of its intended action and specifies the content of the notice.

Proposed law further requires an agency proposing to adopt a new rule to, at the same time, identify and give notice of its intention to repeal two rules of the agency. Requires the agency to identify the two rules in its notice of intent for the proposed new rule.

Present law provides that each rule adopted pursuant to the APA shall be effective upon its publication in the La. Register.

Proposed law retains present law and provides that a rule adopted in accordance with nonemergency procedures shall expire on June 30th of the year following the year of its adoption unless legislation is enacted to continue such rule to a certain date or indefinitely.

Present law provides that prior to the adoption, amendment, or repeal of any rule, the agency shall give notice of its intended action and specifies the content of the notice. Present law with respect to regular rulemaking, includes requirements that the agency submit a report including the notice of intended action to the appropriate standing committee of the legislature and the presiding officers of the respective houses on the same day the notice is submitted to the La. Register for publication and a subsequent report that includes public comments on the rule and any revisions of the proposed rule change since the initial report. Further requires each agency to submit an annual report of rulemaking activities to the appropriate oversight committee no later than 30 days prior to the beginning of each regular session. Authorizes the committee to hold a hearing on the report for the purposes of reviewing the report with the agency.

Present law specifies the standing committees of the legislature with oversight over rules from specific agencies and provides for the presiding officers to determine those not specified. Requires the chairman of each standing committee to which reports are submitted to appoint an oversight subcommittee and authorizes the oversight subcommittee to conduct hearings on all rules proposed for adoption, amendment, or repeal. Provides procedures and time periods with respect thereto. Present law further specifies that a standing committee

may, at any time, exercise the powers granted to an oversight subcommittee. Further authorizes each presiding officer to establish a select committee on oversight for his house of the legislature that, if established, may exercise the same power and authority granted under the provisions of present law to a standing committee or to an oversight subcommittee of a standing committee of that house of the legislature.

Proposed law removes present law provision that specifies that the failure of a subcommittee to conduct a hearing or to make a determination regarding any rule proposed for adoption, amendment, or repeal shall not affect the validity of a rule otherwise adopted in compliance with present law APA.

Proposed law further requires an oversight subcommittee to conduct hearings of all rules proposed for adoption, amendment, or repeal and additionally requires a standing committee to hold a hearing on an agency's annual rulemaking report for the purposes of reviewing the report with the agency.

Specifies that proposed law applies to rules proposed for adoption, amendment, or repeal and in a notice of intent submitted before the effective date of proposed law for publication in the La. Register.

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

(Amends R.S. 49:961(A)(1) and (2)(a) and 966(D)(1)(a) and (L); Adds R.S. 49:965(C); Repeals R.S. 49:966(E)(2))