
DIGEST

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HB 709 Engrossed

2026 Regular Session

Wright

Abstract: Provides for the termination of rules promulgated by agencies within a department with an appointed secretary pursuant to the Administrative Procedure Act; requires oversight committees to conduct hearings on proposed rules and to review agencies' annual rulemaking reports; requires the state register to establish a system for the notification of rulemakings and requires the secretary of state to provide rulemaking notifications to certain businesses registered with the secretary; and authorizes the establishment of the office of information and regulatory affairs within the office of the governor and provides for duties of the office.

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

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 by an agency within a department with an appointed secretary in accordance with nonemergency procedures shall expire on June 30th of the 10th 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.

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.

Proposed law requires the state register to establish a notification system that permits users to elect to receive e-mail notification of pending rulemakings by specific title, division, chapter, or rule number. Further provides that the secretary of state, in coordination with the state register, shall provide for businesses registered with the secretary to receive e-mail notifications of pending rulemakings related to regulations the business is or will be subject to, to the extent practicable.

Proposed law authorizes the governor to establish in the office of the governor an office to be known as the office of information and regulatory affairs ("OIRA"). Provides that OIRA shall enhance planning and coordination with respect to both new and existing rules, to restore the integrity and legitimacy of regulatory review and oversight, to make the process more accessible and open to the public, and to make more efficient the regulatory rules promulgation process.

Proposed law provides that OIRA may have the following duties:

- (1) Identifying regulations that impose significant or unique burdens on governmental entities and that appear to have outlived their justification or be otherwise inconsistent with the public interest.
- (2) Providing guidance and oversight to ensure that each agency's regulatory actions are consistent with applicable law and do not conflict with the policies or actions of another agency.
- (3) Reviewing proposed rules prior to initiating promulgation for approval pursuant to deadlines established by OIRA.

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. 49:966(D)(1)(a) and (L); Adds R.S. 49:953.1, 960, and 965(C); Repeals R.S.

49:966(E)(2))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Remove proposed law changes requiring an agency to give notice of its intention to repeal two rules for each rule promulgated.
2. Limit the proposed law expiration of rules to apply only to rules of agencies within a department with an appointed secretary and provide that such rules expire after 10 years, rather than one year.
3. Provide for a system for the notification of rulemakings.
4. Provide for the office of information and regulatory affairs within the office of the governor.