

ACT No. 454

2018 Regular Session

HOUSE BILL NO. 189

BY REPRESENTATIVE WRIGHT

1 AN ACT

2 To amend and reenact R.S. 49:953(C) and 968(K) and (L), relative to administrative
3 procedure; to provide for processes to review agency rules; to require agencies to
4 conduct periodic hearings to have public comment on rules; and to require reports
5 to the appropriate committees of the legislature regarding such comment; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 49:953(C) and 968(K) and (L) are hereby amended and reenacted to
9 read as follows:

10 §953. Procedure for adoption of rules; agency rule review

11 * * *

12 C.(1) An interested person may petition an agency requesting the adoption,
13 amendment, or repeal of a rule. Each agency shall prescribe by rule the form for
14 petitions and the procedure for their submission, considerations, and disposition.
15 Within ninety days after submission of a petition, the agency shall either deny the
16 petition in writing, stating reasons for the denial, or shall initiate ~~rule-making~~
17 rulemaking proceedings in accordance with this Chapter. Each agency with an
18 appropriated operating budget of five million dollars or more shall include on its
19 website a description of the procedure for submitting petitions in accordance with
20 this Paragraph.

21 (2)(a) At least once prior to January 1, 2020, and at least once during every
22 six-year period thereafter, each agency subject to Paragraph (1) of this Subsection

1 which engages in rulemaking shall conduct a public hearing for the purpose of
 2 allowing any interested person the opportunity to comment on any rule of the agency
 3 which the person believes is contrary to law, outdated, unnecessary, overly complex,
 4 or burdensome. The agency shall publish notice of the meeting in the Louisiana
 5 Register, give notice of the meeting electronically to the appropriate legislative
 6 oversight committees, and shall provide notice of the meeting to all persons who
 7 have made timely request of the agency for notice of rule changes, all no later than
 8 thirty days prior to the meeting.

9 (b)The notice of the meeting shall contain:

10 (i) The name of the agency.

11 (ii) The purpose of the meeting.

12 (iii) The time and place of the meeting.

13 (iv) The process for requesting reasonable accommodations for persons with
 14 disabilities.

15 (v) The name and contact information of the person within the agency to
 16 whom interested persons should direct their views regarding the agency's rules, if in
 17 writing, and the deadline for submission of written comments.

18 (c) The agency shall consider fully all written and oral comments and
 19 submissions concerning its rules. The agency shall advise persons who provide oral
 20 comments that in order to be submitted to the legislative oversight committees,
 21 comments must be submitted to the agency in writing. The agency shall issue a
 22 response to each submission describing the principal advantages and disadvantages
 23 of the rule changes suggested in the submission. In addition, the agency may prepare
 24 a statement explaining the basis and rationale for the rule in question identifying the
 25 data and evidence upon which the rule is based. All such statements and responses
 26 to submissions shall be furnished to the respective legislative oversight committees
 27 in the manner provided by R.S. 49:968(K) and shall be made available to interested
 28 persons as soon as possible but no later than one day following their submission to
 29 the appropriate legislative oversight committees.

30 * * *

1 §968. Review of agency rules; fees

2 * * *

3 K.(1) Each year, no later than thirty days prior to the beginning of the regular
4 session of the legislature, each agency ~~which has proposed the adoption, amendment,~~
5 ~~or repeal of any rule or the adoption, increase, or decrease of any fee during the~~
6 ~~previous year~~, shall submit a report to the appropriate committees as provided for in
7 Subsection B of this Section. This report shall contain a statement of the action
8 taken by the agency with respect to adoption, amendment, or repeal of each rule
9 proposed for adoption, amendment, or repeal during the previous year and a report
10 of the action taken by the agency with respect to any proposed fee adoption, increase,
11 or decrease during the previous year.

12 (2) The report required by Paragraph (1) of this Subsection shall also contain
13 a recitation of each petition and submission, if any, received by the agency pursuant
14 to R.S. 49:953(C) during the previous calendar year and the agency's response to
15 each petition and submission, if any were received.

16 L. After submission of the report required by Subsection K of this Section to
17 the standing committee, a public hearing may be held by the committee for the
18 purpose of reviewing the report with representatives of the ~~proposing~~ agency.

19 * * *

20 Section 2. This Act shall become effective on January 1, 2019.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____