

2023 Regular Session

HOUSE BILL NO. 221

BY REPRESENTATIVE WRIGHT

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

ADMINISTRATIVE PROCEDURE: Provides relative to rulemaking and oversight pursuant to the Administrative Procedure Act

1 AN ACT

2 To amend and reenact R.S. 49:961(A)(1) and (2)(a) and to enact R.S. 49:966(O), relative to
3 the Administrative Procedure Act; to provide for the procedure for adoption of rules;
4 to provide relative to legislative oversight of rules; to provide for effectiveness; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 49:961(A)(1) and (2)(a) are hereby amended and reenacted and R.S.
8 49:966(O) is hereby enacted to read as follows:

9 §961. Procedure for adoption of rules

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

13 (b) If an agency, other than the State Board of Elementary and Secondary
14 Education or a professional licensing board or commission, is proposing to adopt a
15 new rule, the agency shall at the same time identify two rules of the agency that may
16 be repealed or revised.

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

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

Proposed law further requires an agency other than the State Bd. of Elementary and Secondary Education (BESE) or a professional licensing board or commission proposing to adopt a new rule to, at the same time, identify and give notice of two rules of the agency that may be repealed or revised. Requires the agency to identify the two rules in its notice of intent for the proposed new rule.

Present law with respect to regular rule making, 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 rule making activities to the appropriate oversight committee no later than 30 days prior to the beginning of each regular session.

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 authorize the oversight subcommittee to conduct hearings of 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.

Proposed law provides that each presiding officer of the legislature may 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 present law to a standing committee or to an oversight subcommittee of a standing committee of that house of the legislature if the chairman of the standing committee or oversight subcommittee notifies the select committee no later than the seventh day of the committee's oversight period that his committee will not hold a hearing on the proposal.

Effective Jan. 8, 2024.

(Amends R.S. 49:961(A)(1) and (2)(a); Adds R.S. 49:966(O))

Summary of Amendments Adopted by House

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

1. Require an agency to identify two rules that it may repeal or revise rather than requiring an agency to repeal two rules for each new rule it proposes.
2. Limit a select committee's oversight authority to cases where it receives notification from the chairman of the standing committee or oversight subcommittee that his committee will not hold a hearing on the proposal.

The House Floor Amendments to the engrossed bill:

1. Exclude BESE and professional licensing boards and commissions from requirement to identify two rules to repeal or revise for each new rule being proposed.