

2024 Regular Session

HOUSE BILL NO. 180

BY REPRESENTATIVE WRIGHT

ADMINISTRATIVE PROCEDURE: Requires legislative oversight committees to hold hearings on proposed rules

1 AN ACT

2 To amend and reenact R.S. 49:966(D)(1)(a) and (L) and to repeal R.S. 49:966(E)(2), relative  
3 to the Administrative Procedure Act; to provide relative to legislative oversight; to  
4 require oversight hearings; to provide relative to the validity of rules; to provide for  
5 application and effectiveness; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 49:966(D)(1)(a) and (L) are hereby amended and reenacted to read  
8 as follows:

9 §966. Review of agency rules; fees

10 \* \* \*

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

17 \* \* \*

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

4 \* \* \*

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 R.S. 49:966(E)(2) is hereby repealed in its entirety.

6 Section 3. The provisions of this Act shall apply to rules proposed for adoption,  
7 amendment, or repeal and in a notice of intent published in the Louisiana Register on and  
8 after March 20, 2024.

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

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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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HB 180 Original

2024 Regular Session

Wright

**Abstract:** Requires oversight committees of the legislature to hold hearings on proposed rules and on annual rulemaking reports by agencies. Removes 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.

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. 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 published in the La. Register on and after March 20, 2024.

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

(Amends R.S. 49:966(D)(1)(a) and (L); Repeals R.S. 49:966(E)(2))