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## DIGEST

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HB 189 Original

2018 Regular Session

Wright

**Abstract:** Provides for processes, including agency review and public comment, to identify agency rules that may be contrary to law, outdated, unnecessary, overly complex, or burdensome and to require reports to the appropriate committees of the legislature regarding such comment and review.

Present law (Administrative Procedure Act) provides procedures for the adoption, amendment, and repeal of rules by executive branch agencies and for legislative oversight regarding such rule changes.

Present law (R.S. 49:953(C)) further provides that an interested person may petition an agency requesting rule changes. Requires each agency to prescribe by rule the form for petitions and the procedure for submission, consideration, and disposition. Requires the agency, within 90 days after submission of a petition, to either deny the petition in writing, stating reasons for the denial, or initiate rulemaking proceedings.

Proposed law further requires each agency, at least once every two years, to conduct a public hearing for the purpose of allowing any interested person the opportunity to comment on any rule of the agency which the person believes is contrary to law, outdated, unnecessary, overly complex, or burdensome. Requires the agency to give at least 30 days notice of the meeting by publishing it in the La. Register, sending notice electronically to the appropriate legislative oversight committees, and mailing notice of the meeting to all persons who have made timely request of the agency. Requires the notice to contain (a) the agency's name; (b) the purpose of the meeting; (c) the time and place of the meeting; and (d) the name and contact information of the person within the agency to whom interested persons should direct their views regarding the agency's rules, if in writing, and the deadline for submission of written comments. Requires the agency to consider fully all comments and submissions concerning its rules and to issue a response to comments and submissions describing the principal reasons for and against rule changes suggested in the written or oral comments and submissions. Further allows the agency to prepare a statement explaining the basis and rationale for the rule in question identifying the data and evidence upon which the rule is based. Requires all responses and statements to be furnished to the respective legislative oversight committees in the annual report of rulemaking (see present and proposed law - R.S. 49:968(K) below) and to be made available to interested persons as soon as possible but no later than one day following submission to the appropriate legislative oversight committees.

Proposed law further requires each agency to review a sufficient number of its rules so that all of the rules of the agency have been reviewed within a six-year period and to submit a report to the

appropriate legislative oversight committees in the annual report of rulemaking (see present and proposed law - R.S. 49:968(K) below). Requires the review report to include a listing of the rules reviewed by the agency during the previous calendar year, a description of whether each such rule is necessary and consistent with law and the agency's mission, and the agencies proposed action regarding each such rule; a complete listing of rules reviewed during the six-year period; and the percentage of the agency's rules that have been reviewed during the six-year period.

Present law (R.S. 49:568(K) and (L)) requires each agency which has proposed rule or fee changes during the previous calendar year to submit a report, 30 days prior to the beginning of the regular session, to the appropriate legislative committees containing a statement of the action taken by the agency with respect to those changes. Specifies that the committee may hold a public hearing for the purpose of reviewing the report with representatives of the agency.

Proposed law provides instead that each agency shall submit a report on rulemaking activities during the previous calendar year, no later than 30 days prior to the beginning of the regular session, to the appropriate legislative committees and further provides that such report shall also contain a recitation of each petition and comment or submission received by the agency pursuant present and proposed law (explained above) during the previous calendar year and the agency's response to each petition and comment or submission and shall contain the report of the public comments and agency response relative to the public hearing required by proposed law (explained above).

Proposed law specifies that reports submitted to the appropriate legislative committees prior to the 2019 R.S. do not have to contain the reports of information generated from the comments received during the public hearing required by proposed law or the information from the agency's self-review of its rules required by proposed law, but shall contain each petition for rule changes received pursuant to present law during the previous calendar year and the agency's response to each such petition.

Effective January 1, 2019.

(Amends R.S. 49:953(C) and 968(K) and (L))