

GREEN SHEET REDIGEST

HB 221

2023 Regular Session

Wright

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

DIGEST

Present law, the Administrative Procedure Act, 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 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 of 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.

(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.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the reengrossed bill

1. Make technical changes.
2. Remove provisions requiring an agency other than the State Board of Elementary and Secondary Education or a professional licensing board proposing to adopt a new rule to identify two rules that may be repealed or revised.