

2024 Regular Session

HOUSE BILL NO. 109

BY REPRESENTATIVE MACK

ADMINISTRATIVE PROCEDURE: Provides relative to the review of agency rules

1 AN ACT

2 To amend and reenact R.S. 49:964(A) and 966(K)(2) and to enact R.S. 49:964(D), relative
3 to administrative procedure; to provide for processes to review agency rules; to
4 provide relative to the availability of information regarding the ability of the public
5 to request rule changes; to require the Office of the State Register to provide for a
6 portal for such purposes; to require agencies to review rules each year; and to require
7 certain information to be including in an agency's annual report to the appropriate
8 committees of the legislature; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 49:964(A) and 966(K)(2) are hereby amended and reenacted and
11 R.S. 49:964(D) is hereby enacted to read as follows:

12 §964. Public request for the adoption, amendment, or repeal of a rule; agency rule
13 review

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

1 description of the procedure for submitting petitions in accordance with this
2 Subsection.

3 (2) The Office of the State Register shall provide for and host an online
4 portal on its webpage to allow any interested person the opportunity to comment on
5 any rule of an agency which the person believes is contrary to law, outdated,
6 unnecessary, overly complex, or burdensome. The Office of the State Register shall
7 forward each comment to the appropriate agency. Within ninety days after receiving
8 a comment, the agency shall either respond in writing to the person stating reasons
9 the agency disagrees with the comment or shall initiate rulemaking proceedings to
10 address the comments in accordance with this Chapter.

11 * * *

12 D. Each year, each agency shall review a sufficient number of the rules
13 adopted by the agency so that all of the rules of the agency have been reviewed
14 within a five-year period and shall submit a report to the appropriate legislative
15 oversight committees in the manner provided by R.S. 49:966(K). The report shall
16 include a listing of the rules reviewed by the agency during the previous calendar
17 year, a description of whether each such rule is necessary and consistent with law
18 and the agency's mission, a determination whether the probable benefits of the rule
19 outweigh the burdens and costs on persons regulated by the rule, and the agency's
20 proposed action, if any, regarding each such rule; a complete listing of rules
21 reviewed by the agency during the five-year period; and the percentage of the
22 agency's rules that have been reviewed by the agency during the five-year period.

23 * * *

24 §966. Review of agency rules; fees

25 * * *

26 K.

27 * * *

28 (2) The report required by Paragraph (1) of this Subsection shall also
29 contain;

have made timely request of the agency. Specifies the content of the notice. Requires the agency to issue a response to each submission and requires all submissions, responses, and statements to be furnished to the respective legislative oversight committees in the annual report of rulemaking in the annual report of rulemaking required by present law (R.S. 49:966(K)) and made available to interested persons no later than one day following submission to the appropriate legislative oversight committees. Proposed law requires the agency to include the comments received through the portal and the agency response to the report.

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 five-year period and to submit a report to the appropriate legislative oversight committees in the annual report of rulemaking required by present law (R.S. 49:966(K)). 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, a determination whether the probable benefits of the rule outweigh the burdens and costs on persons regulated by the rule, and the agency's proposed action regarding each such rule; a complete listing of rules reviewed during the five-year period; and the percentage of the agency's rules that have been reviewed during the five-year period.

(Amends R.S. 49:964(A) and 966(K)(2); Adds R.S. 49:964(D))