
DIGEST

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HB 109 Engrossed

2024 Regular Session

Mack

Abstract: Requires each agency to review all its rules over a five-year period to identify agency rules that may be unnecessary or inconsistent with law or the agency's mission and rules that are overly burdensome and to include specified information regarding the review in the annual rulemaking report submitted to the appropriate committees of the legislature and requires the Office of the State Register to host a portal to allow the public to comment on rules.

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. 49:954) 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. Further requires an occupational licensing board to review a regulation provided for a petition for full compliance with the least restrictive regulation as set forth present law (R.S. 37:43 or R.S. 49:260). Requires each agency with an appropriated operating budget of \$5 million or more to include a description of the procedure for submitting petitions on its website. Proposed law removes the limitation on the requirement to agencies that have an appropriated budget of \$5 million or more.

Proposed law further requires the Office of the State Register to provide for an online portal on its webpage to allow any interested person the opportunity to comment on any rule of an agency which the person believes is contrary to law, outdated, unnecessary, overly complex, or burdensome. Requires the office to forward each comment to the appropriate agency. Requires the agency to, within 90 days, either respond in writing to the person stating reasons the agency disagrees with the comment or initiate rulemaking proceedings to address the comments in accordance with the Administrative Procedure Act.

Present law further requires each agency, at least once prior to Jan. 1, 2020, and at least once every six-year period thereafter, to conduct a public hearing to allow any person 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 to the appropriate legislative oversight committees, and providing notice of the meeting to all persons who 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))