2024 Regular Session

HOUSE BILL NO. 109

BY REPRESENTATIVE MACK

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

21   description of the procedure for submitting petitions in accordance with this

22   Subsection.

1   (2) The Office of the State Register shall provide for and host an online

2   portal on its webpage to allow any interested person the opportunity to comment on

3   any rule of an agency which the person believes is contrary to law, outdated,

4   unnecessary, overly complex, or burdensome. The Office of the State Register shall

5   forward each comment to the appropriate agency. Within ninety days after receiving

6   a comment, the agency shall either respond in writing to the person stating reasons

7   the agency disagrees with the comment or shall initiate rulemaking proceedings to

8   address the comments in accordance with this Chapter.

9   *   *   *

10   D. Each year, each agency shall review a sufficient number of the rules

11   adopted by the agency so that all of the rules of the agency have been reviewed

12   within a five-year period and shall submit a report to the appropriate legislative

13   oversight committees in the manner provided by R.S. 49:966(K). The report shall

14   include a listing of the rules reviewed by the agency during the previous calendar

15   year, a description of whether each such rule is necessary and consistent with law

16   and the agency's mission, a determination whether the probable benefits of the rule

17   outweigh the burdens and costs on persons regulated by the rule, and the agency's

18   proposed action, if any, regarding each such rule; a complete listing of rules

19   reviewed by the agency since the beginning of the five-year period; and the

20   percentage of the agency's rules that have been reviewed by the agency since the

21   beginning of the five-year period.

22   *   *   *

23   §966. Review of agency rules; fees

24   *   *   *

25   K.

26   *   *   *

27   (2) The report required by Paragraph (1) of this Subsection shall also

28   contain:

29   a (a) A recitation of each petition, and submission, and comment, if any,

30   received by the agency pursuant to R.S. 49:964 during the previous calendar year

1   and the agency's response to each petition, ~~and~~ submission<u>, and comment</u>, if any

2   were received.

3   <u>(b) The report required by R.S. 49:964(D).</u>

4   *   *   *

                      _____

                      SPEAKER OF THE HOUSE OF REPRESENTATIVES

                      _____

                      PRESIDENT OF THE SENATE

                      _____

                      GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

CODING: Words in ~~struck through~~ type are deletions from existing law; words <u>underscored</u> are additions.