

Regular Session, 2012

HOUSE BILL NO. 1090

BY REPRESENTATIVE LIGI

ADMINISTRATIVE PROCEDURE: Provides relative to methods of giving notice of decisions and orders in administrative adjudication proceedings

1 AN ACT

2 To amend and reenact R.S. 49:958 and 964(B), relative to decisions and orders in
3 adjudication proceedings; to provide for notice of decisions and orders in
4 adjudication proceedings; to authorize the use of electronic means of notification;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 49:958 and 964(B) are hereby amended and reenacted to read as
8 follows:

9 §958. Decisions and orders

10 A final decision or order adverse to a party in an adjudication proceeding
11 shall be in writing or stated in the record. A final decision shall include findings of
12 fact and conclusions of law. Findings of fact, if set forth in statutory language, shall
13 be accompanied by a concise and explicit statement of the underlying facts
14 supporting the findings. If, in accordance with agency rules, a party submitted
15 proposed findings of fact, the decision shall include a ruling upon each proposed
16 finding. Parties shall be notified ~~either personally, or by mail,~~ or by electronic means
17 of any decision or order. Upon request, a copy of the decision or order shall be
18 delivered or mailed forthwith to each party and to his attorney of record. The parties

1 by written stipulation may waive, and the agency in the event there is no contest may
2 eliminate, compliance with this Section.

3 * * *

4 §964. Judicial review of adjudication

5 * * *

6 B. Proceedings for review may be instituted by filing a petition in the district
7 court of the parish in which the agency is located within thirty days after ~~mailing the~~
8 transmittal of notice of the final decision by the agency or, if a rehearing is
9 requested, within thirty days after the decision thereon. Copies of the petition shall
10 be served upon the agency and all parties of record.

11 * * *

12 Section 2. This Act shall become effective upon signature by the governor or, if not
13 signed by the governor, upon expiration of the time for bills to become law without signature
14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
16 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Ligi HB No. 1090

Abstract: Authorizes the use of electronic means to notify parties of decisions or orders in adjudication proceedings conducted pursuant to the Administrative Procedure Act.

Present law (Administrative Procedure Act) requires a final decision or order adverse to a party in an adjudication proceeding to be in writing or stated in the record, requires a final decision to include findings of fact and conclusions of law and, if the findings are set forth in statutory language, to be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Present law provides that parties be notified either personally or by mail of any decision or order and that upon request, a copy of the decision or order shall be delivered or mailed forthwith to each party and to his attorney of record. Present law further provides that the parties by written stipulation may waive, and the agency in the event there is no contest may eliminate, compliance with present law.

Proposed law further authorizes the use of electronic means as a method of notifying the parties of any decision or order and otherwise retains present law.

Present law provides that judicial review of an adjudication may be instituted by filing a petition in the district court of the parish in which the agency is located within 30 days after mailing of notice of the final decision by the agency or, if a rehearing is requested, within 30 days after the decision thereon.

Proposed law changes "mailing of notice of the final decision" to "the transmittal of notice of the final decision" and otherwise retains present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 49:958 and 964(B))