
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))