

2025 Regular Session

HOUSE BILL NO. 99

BY REPRESENTATIVE BILLINGS

AN ACT

To amend and reenact R.S. 49:978.1(A) and 992(B)(3) and to enact R.S. 49:978.1(H), relative to administrative hearing decisions and judicial review of such decisions; to provide relative to interpretation of statutes and rules; to provide for entitlement to seek judicial review; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:978.1(A) and 992(B)(3) are hereby amended and reenacted and R.S. 49:978.1(H) is hereby enacted to read as follows:

§978.1. Judicial review of adjudication

A.(1) Except as provided in R.S. 15:1171 through 1177, a ~~person~~ party who is aggrieved by a final decision or order in an adjudication proceeding is entitled to judicial review under this Chapter whether or not he has applied to the agency for rehearing, without limiting, however, utilization of or the scope of judicial review available under other means of review, redress, relief, or trial de novo provided by law. A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy and would inflict irreparable injury.

(2) However, if the agency conducting the adjudication proceeding issues the final decision or order, the agency conducting the adjudication proceeding shall not be entitled to seek judicial review under this Chapter.

1 ~~(2)(a) No agency or official thereof or other person acting on behalf of an~~
2 ~~agency or official thereof shall be entitled to judicial review under this Chapter.~~

3 ~~(b) The provisions of Subparagraph (a) of this Paragraph shall not apply to~~
4 ~~the Department of Children and Family Services or an official thereof or other~~
5 ~~person acting on behalf of the department or official in appeals brought pursuant to~~
6 ~~Children's Code Article 616.1.1.~~

7 * * *

8 H. In interpreting a state statute or rule, a court, administrative judge, or
9 hearing officer presiding over a contested case, hearing, or appeal shall not defer to
10 the agency's interpretation of the statute or rule. The court, administrative judge, or
11 hearing officer shall interpret the meaning of the statute or rule de novo.

12 * * *

13 §992. Applicability; exemptions; attorney fees; court costs

14 * * *

15 B.

16 * * *

17 (3)(a) Nothing in this Section shall affect the right to or manner of judicial
18 appeal in any adjudication, irrespective of whether or not such adjudication is
19 commenced by the division or by an agency.

20 (b) However, if the agency conducting the adjudication proceeding issues the
21 final decision or order, the agency conducting the adjudication proceeding shall not
22 be entitled to seek judicial review under this Chapter.

23 ~~(b)(i) However, no agency or official thereof, or other person acting on~~
24 ~~behalf of an agency or official thereof, shall be entitled to judicial review of a~~
25 ~~decision made pursuant to this Chapter.~~

26 ~~(ii) The provisions of Item (i) of this Subparagraph shall not apply to the~~
27 ~~Department of Children and Family Services or an official thereof or other person~~
28 ~~acting on behalf of the department or official in appeals brought pursuant to~~
29 ~~Children's Code Article 616.1.1.~~

30 * * *

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____