

2016 Regular Session

HOUSE BILL NO. 522

BY REPRESENTATIVE CARPENTER

ADMINISTRATIVE LAW: Exempts the Department of Public Safety and Corrections, public safety services, from the provisions of law relative to adjudications by the division of administrative law

1 AN ACT

2 To amend and reenact R.S. 49:992(D)(1) and to enact R.S. 49:992(D)(10), relative to
3 adjudications; to exempt the Department of Public Safety and Corrections, public
4 safety services, from the provisions of law relative to the division of administrative
5 law; to provide for the Department of Public Safety and Corrections, public safety
6 services, to conduct its own adjudications; to provide for effectiveness; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 49:992(D)(1) is hereby amended and reenacted and R.S.
10 49:992(D)(10) is hereby enacted to read as follows:

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

12 * * *

13 D.(1) Except as provided in Paragraphs (2) through ~~(9)~~ (10) of this
14 Subsection, the provisions of this Chapter shall apply to any board, commission,
15 department, or agency of the executive branch of state government.

16 * * *

17 (10) The Department of Public Safety and Corrections, public safety
18 services, shall be exempt from the provisions of this Chapter.

19 * * *

1 Section 2. All adjudications of the Department of Public Safety and Corrections,
2 public safety services, commenced by the division of administrative law prior to July 1,
3 2016, shall remain at the division of administrative law until concluded in accordance with
4 law. All adjudications of the Department of Public Safety and Corrections, public safety
5 services, commenced on and after July 1, 2016, shall be conducted by the Department of
6 Public Safety and Corrections, public safety services, in accordance with the Administrative
7 Procedure Act and all other applicable law except any contrary provisions of Part A of
8 Chapter 13-B of Title 49 of the Louisiana Revised Statutes of 1950.

9 Section 3. This Act shall become effective on July 1, 2016.

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)]

HB 522 Original

2016 Regular Session

Carpenter

Abstract: Exempts the Dept. of Public Safety and Corrections, public safety services, from the provisions of law regarding adjudications by the division of administrative law.

Present law (R.S. 49:992) provides that the division of administrative law (DAL) shall commence and handle all adjudications pursuant to the Administrative Procedure Act (APA) and provides that notwithstanding any other law to the contrary, except as otherwise provided in present law (R.S. 49:967 (exemptions to the APA)) and present law (establishing and providing for adjudications by the DAL) provides for all adjudications commenced by the division of administrative law to be resolved exclusively as required by the APA and present law. Provides for an administrative law judge to issue a final decision or order, whether or not on rehearing, following an adjudication by the division of administrative law. Provides, with specified exceptions, that the agency has no authority to override such decision or order. Provides for the right to a judicial appeal in any adjudication, regardless of whether the adjudication is commenced by the division or by an agency.

Present law provides exemptions from the provisions regarding adjudications by the DAL for certain agencies of the executive branch of state government or specific adjudications, including the office of workers' compensation administration, the office of regulatory services, state professional and occupational licensing boards, the Dept. of Agriculture and Forestry, the Public Service Commission, and other specific adjudications. Further provides that boards and commissions authorized by law to conduct hearings may continue to hold such hearings.

Proposed law additionally exempts the Dept. of Public Safety and Corrections, public safety services, from the provisions of law regarding adjudications by the DAL and otherwise retains present law.

Specifies that all adjudications of the Dept. of Public Safety and Corrections, public safety services, commenced by the DAL prior to July 1, 2016, shall remain at the DAL until concluded in accordance with law. All adjudications of the Dept. of Public Safety and Corrections, public safety services, commenced on and after July 1, 2016, shall be conducted

by the Dept. of Public Safety and Corrections, public safety services, in accordance with the Administrative Procedure Act and all other applicable law except any contrary provisions of present law (relative to the division of administrative law).

Effective July 1, 2016.

(Amends R.S. 49:992(D)(1); Adds R.S. 49:992(D)(10))