
DIGEST

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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))