

ACT No. 90

2018 Regular Session

HOUSE BILL NO. 373

BY REPRESENTATIVE JOHNSON

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AN ACT

To amend and reenact R.S. 49:964(A)(2) and 992(B)(3), relative to administrative procedure; to provide relative to judicial review of administrative decisions; to authorize the Department of Children and Family Services to seek judicial review of certain decisions by the division of administrative law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:964(A)(2) and 992(B)(3) are hereby amended and reenacted to read as follows:

§964. Judicial review of adjudication

A.

* * *

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

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

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

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B.

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____