

2019 Regular Session

HOUSE BILL NO. 210

BY REPRESENTATIVE JIMMY HARRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ENVIRONMENT/QUALITY DEPT: Provides for filing records of decisions of the Department of Environmental Quality

1 AN ACT

2 To amend and reenact R.S. 30:2050.21(D), relative to appeals of decisions by the  
3 Department of Environmental Quality; to provide for costs of filing a record of  
4 decision; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 30:2050.21(D) is hereby amended and reenacted to read as follows:

7 §2050.21. Judicial review; appeal

8 \* \* \*

9 D. In matters not submitted to the division of administrative law, Department  
10 of Civil Service, the department shall transmit to the reviewing court the original or  
11 a certified copy of the entire record of the decision or action under review within  
12 sixty days after service of the petition on the department, or within further time  
13 allowed by the court. Any costs assigned by the clerk of court for the filing of the  
14 record of decision shall be assessed to the person filing the petition for review. By  
15 stipulation of all parties to the review proceedings, the record may be shortened. ~~A~~  
16 ~~party unreasonably refusing to stipulate to limit the record may be taxed by the court~~  
17 ~~for the additional costs.~~ The court may require or permit subsequent corrections or  
18 additions to the record.

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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)]

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HB 210 Original

2019 Regular Session

Jimmy Harris

**Abstract:** Assesses the cost for filing the record of decision to the person petitioning for the review of a decision by the Dept. of Environmental Quality.

Present law affords an aggrieved person the opportunity to appeal a final permit action, a final enforcement action, or a declaratory ruling by the Dept. of Environmental Quality only to the 19th Judicial District Court. Proposed law retains present law.

Present law requires the department to transmit to the reviewing court the original or a certified copy of the entire record of the decision or action under review within 60 days after service of the petition on the department, or within time allowed by the court.

Proposed law retains present law and places the cost for filing the record of decision on the person filing for the review.

Present law authorizes shortening the record by stipulation of all parties and casts the additional court cost on a party that unreasonably refuses to stipulate to limit the record.

Proposed law removes the authority to tax cost to the party that unreasonably refuses to shorten the record.

Present law requires or permits subsequent corrections or additions to the record. Proposed law retains present law.

(Amends R.S. 30:2050.21(D))