

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 certain records
4 with the reviewing court; 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 the decision or action shall be paid by the person filing the petition for
15 review. By stipulation of all parties to the review proceedings, the record may be
16 shortened. A party unreasonably refusing to stipulate to limit the record may be
17 taxed by the court for the additional costs. The court may require or permit
18 subsequent corrections or additions to the record.

19 * * *

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 210 Engrossed

2019 Regular Session

Jimmy Harris

Abstract: Provides that the cost for filing the record of the decision or action of the Dept. of Environmental Quality shall be paid by the person petitioning for the review by the court of the decision or action.

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 specifies that any costs assigned by the clerk of court for the filing of the record of the decision or action shall be paid by the person filing the petition for review.

Present law authorizes shortening the record by stipulation of all parties and authorizes the court to tax additional court costs on a party that unreasonably refuses to stipulate to limit the record. Present law authorizes the court to require or permit subsequent corrections or additions to the record. Proposed law retains present law.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Restore provisions authorizing the court to tax additional court costs on a party that unreasonably refuses to stipulate to limit the record.
2. Provide that costs of filing the record shall be "paid by" rather than "assessed to" the person filing the petition for review.
3. Make technical changes.