

2022 Regular Session

HOUSE BILL NO. 666

BY REPRESENTATIVE WRIGHT

ADMINISTRATIVE PROCEDURE: Provides relative to adjudications and judicial review of adjudications

1 AN ACT

2 To enact R.S. 49:964(H), relative to administrative hearing decisions and judicial review of
3 such decisions; to provide relative to interpretation of statutes and rules; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 49:964(H) is hereby enacted to read as follows:

7 §964. Judicial review of adjudication

8 * * *

9 H.(1) In interpreting a state statute or rule, a court, administrative judge, or
10 hearing officer presiding over a contested case, hearing, or appeal shall not defer to
11 the agency's interpretation of the statute or rule. The court, administrative judge, or
12 hearing officer shall interpret the meaning of the statute or rule de novo.

13 (2) In an action brought by or against a state agency, after applying all
14 customary tools of interpretation, the court, administrative judge, or hearing officer
15 shall exercise any remaining doubt in favor of a reasonable interpretation that limits
16 agency power and maximizes individual liberty.

17 Section 2. This Act shall become effective on July 1, 2023.

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 666 Original

2022 Regular Session

Wright

Abstract: Requires state statutes or rules to be interpreted de novo in judicial review cases.

Present law provides that a person who is aggrieved by a final decision or order in an adjudication proceeding is entitled to judicial review.

Proposed law retains present law and prohibits a court, administrative judge, or hearing officer presiding over a contested case hearing or appeal from deferring to a state agency's interpretation of a state statute or rule and requires the court, administrative judge, or hearing officer to interpret the meaning of the statute or rule de novo. Further provides that in an action brought by or against a state agency, the court, administrative judge, or hearing officer, after applying all customary tools of interpretation, shall exercise any remaining doubt in favor of a reasonable interpretation that limits agency power and maximizes individual liberty.

Effective July 1, 2023.

(Adds R.S. 49:964(H))