

2025 Regular Session

HOUSE BILL NO. 99

BY REPRESENTATIVE BILLINGS

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

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

1 AN ACT

2 To amend and reenact R.S. 49:978.1(A) and 992(B)(3) and to enact R.S. 49:978.1(H),
3 relative to administrative hearing decisions and judicial review of such decisions; to
4 provide relative to interpretation of statutes and rules; to provide for entitlement to
5 seek judicial review; to provide for an effective date; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 49:978.1(A) and 992(B)(3) are hereby amended and reenacted and
9 R.S. 49:978.1(H) is hereby enacted to read as follows:

10 §978.1. Judicial review of adjudication

11 A.(1) Except as provided in R.S. 15:1171 through 1177, a person party who
12 is aggrieved by a final decision or order in an adjudication proceeding is entitled to
13 judicial review under this Chapter whether or not he has applied to the agency for
14 rehearing, without limiting, however, utilization of or the scope of judicial review
15 available under other means of review, redress, relief, or trial de novo provided by
16 law. A preliminary, procedural, or intermediate agency action or ruling is
17 immediately reviewable if review of the final agency decision would not provide an
18 adequate remedy and would inflict irreparable injury.

1 (2) However, if the agency conducting the adjudication proceeding issues the
2 final decision or order, the agency conducting the adjudication proceeding shall not
3 be entitled to seek judicial review under this Chapter.

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

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

10 * * *

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

15 * * *

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

17 * * *

18 B.

19 * * *

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

23 (b) However, if the agency conducting the adjudication proceeding issues the
24 final decision or order, the agency conducting the adjudication proceeding shall not
25 be entitled to seek judicial review under this Chapter.

26 ~~(b)(i) However, no agency or official thereof, or other person acting on~~
27 ~~behalf of an agency or official thereof, shall be entitled to judicial review of a~~
28 ~~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.~~

* * *

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.

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 99 Engrossed

2025 Regular Session

Billings

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.

Present law provides that an agency, official of an agency, or other persons acting on behalf of an agency or official are not entitled to judicial review. Further provides that present law does not apply to DCFS in appeals brought pursuant to the Children's Code.

Proposed law repeals present law and provides that if an agency conducting an adjudication proceeding issues a final decision or order, the agency is not entitled to seek judicial review.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 49:978.1(A) and 992(B)(3); Adds R.S. 49:978.1(H))

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Repeal present law prohibition against an agency seeking judicial review.

3. Add language that prohibits an agency from seeking judicial review on a final decision or order during an adjudication proceeding if the agency issued the final decision or order.