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## DIGEST

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Lambert

HB No. 307

**Abstract:** Authorizes a court to order a stay of a final permit action only after notice and an opportunity for a hearing and removes the authority to grant such stays ex parte.

Present law provides for stays of agency decisions through judicial review in the Administrative Procedure Act. Specifies that these stays may be granted by the agency or the court ex parte and may be granted in accordance with local court rules pertaining to injunctive relief and issuance of temporary restraining orders.

Proposed law removes reference to stays from the Administrative Procedure Act for decisions of the Dept. of Environmental Quality.

Present law provides that the filing of an appeal of a compliance order, final permit action, or declaratory ruling does not stay such decision of the Dept. of Environmental Quality. However, the secretary or a court may grant a stay.

Proposed law retains present law and adds that the stay of a final permit action may only be ordered by a court after notice to the parties and an opportunity for a hearing.

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

(Amends R.S. 30:2050.21(F) and 2050.22(B))