

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 218 by Representative Talbot

CIVIL/PROCEDURE: Provides relative to special civil proceedings

Synopsis of Senate Amendments

1. Deleted provisions repealing R.S. 13:4062.

Digest of Bill as Finally Passed by Senate

Present law (C.C.P. Arts. 1871 and 1872) provides procedures for declaratory judgments authorizing the court to declare rights, status, and other legal relations for parties affected by a statute, municipal ordinance, contract, or franchise.

Present law (C.C.P. Art. 1878) authorizes supplemental relief based on a declaratory judgment whenever necessary and proper.

Proposed law retains present law and provides that in any action or proceeding seeking a declaratory judgment as to the constitutionality of the expenditure of state funds, the court shall set the matter with preference and proceed to hear and determine the matter expeditiously, notwithstanding resolution of a pending petition for injunction sought pursuant to Article 3601 or a petition for mandamus sought pursuant to Article 3862.

(Amends C.C.P. Art. 1878)