

2016 Regular Session

SENATE CONCURRENT RESOLUTION NO. 78

BY SENATOR MILKOVICH

CIVIL PROCEDURE. Provides relative to the legislative intent regarding Act 379 of the Regular Session of 2014.

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A CONCURRENT RESOLUTION

To express the intent of the Legislature regarding the retroactivity of certain laws enacted by Act No. 379 of the 2014 Regular Session of the Legislature.

WHEREAS, R.S. 24:177(B)(2)(b) provides that the "legislature may express the intended meaning of a law in a duly adopted concurrent resolution, by the same vote and, except for gubernatorial veto and time limitations for introduction, according to the same procedures and formalities required for enactment of that law"; and

WHEREAS, during the 2014 Regular Session of the Legislature, the Legislature in Act No. 379 enacted certain changes to law relative to a request for service of citation upon the defendant within an applicable time period notwithstanding insufficient or erroneous service; and

WHEREAS, the Legislature in Act No. 379 did not specify whether its provisions, which were procedural in nature, were to be applied retroactively; and

WHEREAS, Civil Code Article 6 provides that procedural laws apply both prospectively and retroactively unless there is legislative expression to the contrary.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby express its intent that Act No. 379 of the 2014 Regular Session of the Legislature be given both prospective and retroactive application.

