

2019 Regular Session

HOUSE BILL NO. 214

BY REPRESENTATIVE JENKINS

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

ENVIRONMENT: Provides for the computation of time allowed to seek review of decisions by the Dept. of Environmental Quality

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 5059(C)(2), relative to appeals of
3 decisions by the Department of Environmental Quality; to provide for the
4 computation of the period of time to seek certain reviews or appeals of decisions by
5 the Department of Environment Quality; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 5059(C)(2) is hereby amended and
8 reenacted to read as follows:

9 Art. 5059. Computation of time

10 * * *

11 C.

12 * * *

13 (2) Subparagraph (1) of this Paragraph shall not apply to the computation of
14 a period of time allowed or prescribed to seek rehearing, reconsideration, or judicial
15 review or appeal of a decision or order by the Department of Revenue or the
16 Department of Environmental Quality.

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 214 Original

2019 Regular Session

Jenkins

Abstract: Adds decisions or orders by the Dept. of Environmental Quality to the exception excluding legal holidays in the computation of a period of time allowed or prescribed to seek rehearing, reconsideration, or judicial review or appeal of a decision or order by an agency in the executive branch of state government.

Present law (C.C.P. Art. 5059) provides that in computing a period of time allowed or prescribed by law or by order of court, the date of the act, event, or default after which the period begins to run is not to be included. Provides that the last day of the period is to be included, unless it is a legal holiday, in which event the period runs until the end of the next day which is not a legal holiday.

Present law provides that a half-holiday is considered a legal holiday. Provides that a legal holiday is to be included in the computation of a period of time allowed or prescribed, except when:

- (1) It is expressly excluded.
- (2) It would otherwise be the last day of the period.
- (3) The period is less than seven days.

Present law provides that a legal holiday is excluded in the computation of a period of time allowed or prescribed to seek rehearing, reconsideration, or judicial review or appeal of a decision or order by an agency in the executive branch of state government.

Present law provides an exception for the rehearing, reconsideration, or judicial review or appeal of a decision or order by the Dept. of Revenue.

Proposed law retains present law except adds decisions or orders by the Dept. of Environmental Quality to the exception.

(Amends C.C.P. Art. 5059(C)(2))