

Regular Session, 2014

SENATE BILL NO. 228

BY SENATORS APPEL, MARTINY AND PETERSON AND REPRESENTATIVES
BILLIOT, LORUSSO, WILLMOTT AND LEOPOLD

COURTS. Provides for environmental court procedures in Jefferson and Orleans parishes.
(gov sig)

1 AN ACT

2 To amend and reenact R.S. 33:1373(G)(1) and (2), relative to enforcement of health, safety,
3 and welfare ordinances in Jefferson and Orleans parishes; to provide relative to
4 mailing or service of the notice of judgment; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 33:1373(G)(1) and (2) are hereby amended and reenacted to read as
7 follows:

8 §1373. Enforcement of health, safety, and welfare ordinances in Jefferson Parish
9 and Orleans Parish

10 * * *

11 G.(1) An appeal from a final judgment rendered pursuant to this Section may
12 be taken only within ten days from the date of the judgment or from **the day after**
13 **the clerk has mailed, or the sheriff has served, whichever is later,** ~~the service of~~
14 notice of judgment when such notice is necessary. However, a judgment shall not be
15 suspended during the pendency of an appeal unless the court, in its discretion, orders
16 a suspension.

17 (2) The delay for applying for a new trial shall be three days commencing

1 from the date of the judgment or from **the day after the clerk has mailed, or the**
 2 **sheriff has served, whichever is later,** the ~~service of~~ notice of judgment when such
 3 notice is necessary. When an application for new trial is timely filed, the delay for
 4 appeal commences on the day after the motion is denied, or from ~~service of~~ **the day**
 5 **after the clerk has mailed, or the sheriff has served, whichever is later, the**
 6 notice of the order denying a new trial, when such notice is necessary.

7 * * *

8 Section 2. This Act shall become effective upon signature by the governor or, if not
 9 signed by the governor, upon expiration of the time for bills to become law without signature
 10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 12 effective on the day following such approval.

The original instrument was prepared by Cathy R. Wells. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry G. Jones.

DIGEST

Appel (SB 228)

Present law provides for the procedure to enforce health, safety, and welfare statutes and ordinances or to eliminate blighted property, housing violations, and public nuisances in Orleans and Jefferson parishes.

Present law provides procedures and time limitations for applying for new trial and appeals from final judgments. Provides that a judgment shall not be suspended during the pendency of appeal unless the court determines otherwise.

Proposed law provides that the delay for a new trial commences after the judgment or after the notice of judgment is either mailed by the clerk or served by the sheriff, whichever is later, when such notice is required.

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

(Amends R.S. 33:1373(G)(1) and (2))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Adds "whichever is later".