

2015 Regular Session

HOUSE BILL NO. 514

BY REPRESENTATIVE SCHEXNAYDER

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

CIVIL/PROCESS: Provides for notice to certain state departments and agencies of suits involving violation of certain permits

1 AN ACT

2 To enact Code of Civil Procedure Article 1204, relative to notice of certain actions; to

3 provide relative to allegations of violations of certain permits; to provide for service

4 of citation; to provide for notice of judgment or settlement; and to provide for related

5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 1204 is hereby enacted to read as follows:

8 Art. 1204. Violations of state-issued permits; notice to state and attorney general

9 A. Notwithstanding any provision of law to the contrary, within ninety days

10 of the filing or amendment of any pleading making a judicial demand or raising a

11 defense which alleges a violation of any state-issued permit where the issuing state

12 department or agency is not a party, the party filing the pleading shall notify the state

13 agency, or the Coastal Protection and Restoration Authority, where the permit was

14 issued in the coastal area, as defined in R.S. 49:214.2(4), by certified letter.

15 B. Upon signing of a final judgment of a case subject to the provisions of

16 Paragraph A of this Article, notice of the judgment shall be provided by the party

17 alleging a violation of a state-issued permit to the issuing state department or agency,

18 the Coastal Protection and Restoration Authority, and the attorney general pursuant

19 to Article 1313(C) within thirty days of the signing of the judgment.

1 C. In the event of any settlement of a claim subject to the provisions of
 2 Paragraph A of this Article, notice of the settlement of the claim shall be provided
 3 by the party alleging a violation of a state-issued permit to the issuing state
 4 department or agency, the Coastal Protection and Restoration Authority, and the
 5 attorney general pursuant to Article 1313(C), within thirty days of the signing of the
 6 settlement.

7 Section 2. The provisions of this Act shall not apply to a judicial demand that, prior
 8 to the effective date of this Act, has been resolved through compromise agreement and
 9 settlement of claims, or by judgment on the merits that has become final and definitive.

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 514 Reengrossed

2015 Regular Session

Schexnayder

Abstract: Provides for notice to a state department or agency issuing a permit and to the attorney general when violation of the permit is alleged in a pleading.

Proposed law provides for notice of the filing or amendment of any pleading alleging a violation of a state-issued permit by certified letter to a state agency and the Coastal Protection and Restoration Authority if the permit was issued in the coastal area.

Proposed law provides for delivery of the notice of judgment or signing of a settlement of a claim alleging a violation of a state-issued permit, pursuant to Article 1313(C) within thirty days of the signing of the judgment to the issuing state department or agency, the attorney general, and the Coastal Protection and Restoration Authority, if applicable.

Excludes application of proposed law to a judicial demand that has been resolved through compromise agreement and settlement of claims, or by judgment on the merits that has become final and definitive prior to the effective date of proposed law.

(Adds C.C.P. Art. 1204)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Change the requirement that the party alleging violation of a state permit mail a notice of judgment or settlement to the issuing state department or agency to require that the party provide notice of judgment or settlement within 30 days of the signing of the judgment or settlement pursuant to present law C.C.P. Article 1313(C).
2. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Change the "immediate notice" requirement to "notice within 90 days".
2. Provide for notice of the filing of, or amendment to, a pleading by certified letter.
3. Add provisions requiring notice to the Coastal Protection and Restoration Authority in certain circumstances.