

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.

1 A CONCURRENT RESOLUTION

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

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

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

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

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

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ben Huxen.

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Expresses intent of the Legislative that Act No. 379 of the 2014 Regular Session of the Legislature is to be given both prospective and retroactive application.