

2018 Regular Session

HOUSE BILL NO. 288

BY REPRESENTATIVE JACKSON

CIVIL/PROCEDURE: Provides relative to the computation of time periods for seeking rehearing, reconsideration, or judicial review or appeal of administrative decisions

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 5059, relative to civil procedure; to
3 provide for the computation of a period of time allowed or prescribed to seek
4 rehearing, reconsideration, or judicial review or appeal of a decision or order by an
5 agency in the executive branch of state government; to provide for exceptions; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Article 5059 is hereby amended and reenacted
9 to read as follows:

10 Art. 5059. Computation of time

11 A. In computing a period of time allowed or prescribed by law or by order
12 of court, the date of the act, event, or default after which the period begins to run is
13 not to be included. The last day of the period is to be included, unless it is a legal
14 holiday, in which event the period runs until the end of the next day which is not a
15 legal holiday.

16 B. A half-holiday is considered as a legal holiday. A legal holiday is to be
17 included in the computation of a period of time allowed or prescribed, except when:

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

1 C.(1) A legal holiday shall be excluded in the computation of a period of
2 time allowed or prescribed to seek rehearing, reconsideration, or judicial review or
3 appeal of a decision or order by an agency in the executive branch of state
4 government.

5 (2) Subparagraph (1) of this Paragraph shall not apply to the computation of
6 a period of time allowed or prescribed to seek rehearing, reconsideration, or judicial
7 review or appeal of a decision or order by the Department of Revenue.

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 288 Engrossed

2018 Regular Session

Jackson

Abstract: Provides that legal holidays are 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, except for the Dept. of Revenue

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.

Proposed law retains present law. Additionally provides that a legal holiday shall be 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.

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

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

Summary of Amendments Adopted by House

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

1. Add an exception from proposed law for the Dept. of Revenue.