

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

CIVIL/PROCEDURE. Provides relative to special civil proceedings

DIGEST

Present law (C.C.P. Arts. 1871 and 1872) provides procedures for declaratory judgments authorizing the court to declare rights, status, and other legal relations for parties affected by a statute, municipal ordinance, contract, or franchise.

Present law (C.C.P. Art. 1878) authorizes supplemental relief based on a declaratory judgment whenever necessary and proper.

Proposed law retains present law and provides that in any action or proceeding seeking a declaratory judgment as to the constitutionality of the expenditure of state funds, the court shall set the matter with preference and proceed to hear and determine the matter expeditiously, notwithstanding resolution of a pending petition for injunction sought pursuant to Article 3601 or a petition for mandamus sought pursuant to Article 3862.

(Amends C.C.P. Art. 1878)

Summary of Amendments Adopted by House

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

1. Deleted all provisions proposing to amend C.C.P. Art. 3601 relative to injunctions and the traversal of a certification offered by a state department, board, or agency in opposition to the issuance of an injunction.
2. Added provisions specifying that a court shall set a matter with preference if it is seeking a declaratory judgment as to the constitutionality of the expenditure of state funds, notwithstanding a pending petition for injunction or mandamus.

Summary of Amendments Adopted by Senate

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

1. Deletes repeal of R.S. 13:4062.