

2016 Regular Session

HOUSE BILL NO. 269

BY REPRESENTATIVES GREGORY MILLER AND MIKE JOHNSON

(On Recommendation of the Louisiana State Law Institute)

1 AN ACT

2 To amend and reenact Civil Code Article 1522 and Code of Civil Procedure Article 3396.9,
3 relative to successions and donations; to provide for separate donations of usufruct
4 and naked ownership; to provide for concurrence of an interdict or unemancipated
5 minor; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Civil Code Article 1522 is hereby amended and reenacted to read as
8 follows:

9 Art. 1522. Separate donations of usufruct and naked ownership.

10 ~~The same shall be observed as to the disposition inter vivos or mortis causa,~~
11 ~~by which the usufruct is given to one, and the naked ownership to another. A~~
12 disposition *inter vivos* or *mortis causa* by which the usufruct is given to one person
13 and the naked ownership to another is not a prohibited substitution.

14 Section 2. Code of Civil Procedure Article 3396.9 is hereby amended and reenacted
15 to read as follows:

16 Art. 3396.9. ~~Unemancipated~~ Interdicted or unemancipated minor

17 A. If a successor whose concurrence is required for ~~independent~~
18 ~~administration~~ is an unemancipated minor, the concurrence may be made on his
19 behalf by the administrator of his estate or his natural tutor, as appropriate, without
20 the need for a formal tutorship proceeding ~~and~~ or concurrence of an undertutor.

1 B. If a successor whose concurrence is required is an interdict, the
2 concurrence may be made on his behalf by the curator without the need for court
3 authorization in the interdiction proceeding or concurrence of the undercurator.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____