

Regular Session, 2014

SENATE BILL NO. 180

BY SENATOR GALLOT

LEGISLATION. Provides for the recommending by the Louisiana State Law Institute of repeal, removal or revision of law that has been declared unconstitutional by final and definitive court judgment. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 24:204(A)(3) and to enact R.S. 24:204(A)(10), relative to the
3 Louisiana State Law Institute; to provide relative to the general purpose, duties and
4 procedures of the Louisiana State Law Institute; to provide relative to
5 recommendations concerning legislation; to include biennial recommendations for
6 the repeal, removal or revision of law declared unconstitutional; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 24:204(A)(3) is hereby amended and reenacted and R.S.
10 24:204(A)(10) is hereby enacted to read as follows:

11 §204. General purpose; duties

12 A. The general purposes for which the Louisiana State Law Institute is
13 formed are to promote and encourage the clarification and simplification of the law
14 of Louisiana and its better adaptation to present social needs; to secure the better
15 administration of justice and to carry on scholarly legal research and scientific legal
16 work. To that end it shall be the duty of the Louisiana State Law Institute:

17 * * *

1 (3) To cooperate with the American Law Institute, the ~~Commissioners for the~~
2 ~~Promotion of Uniformity of Legislation in the United States~~ **Uniform Laws**
3 **Commission**, bar associations and other learned societies and bodies by receiving,
4 considering, and making reports on proposed changes in the law recommended by
5 any such body.

6 * * *

7 **(10) To make recommendations to the legislature on a biennial basis for**
8 **the repeal, removal or revision of provisions of law that have been declared**
9 **unconstitutional by final and definitive court judgment.**

10 * * *

11 Section 2. This Act shall become effective upon signature by the governor or, if not
12 signed by the governor, upon expiration of the time for bills to become law without signature
13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
15 effective on the day following such approval.

The original instrument was prepared by Jerry G. Jones. The following
digest, which does not constitute a part of the legislative instrument, was
prepared by Mary Dozier O'Brien.

DIGEST

Gallot (SB 180)

Present law provides duties of the Louisiana State Law Institute:

- (1) To consider needed improvements in both substantive and adjective law and to make recommendations concerning the same to the legislature.
- (2) To examine and study the civil law of Louisiana and the Louisiana jurisprudence and statutes of the state with a view of discovering defects and inequities and of recommending needed reforms.
- (3) To cooperate with the American Law Institute, the Uniform Laws Commission, bar associations and other learned societies and bodies by receiving, considering, and making reports on proposed changes in the law recommended by any such body.
- (4) To receive and consider suggestions from judges, justices, public officials, lawyers, and the public generally as to defects and anachronisms in the law.
- (5) To recommend from time to time such changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law of the state, both civil and criminal, into harmony with modern conditions.

- (6) To render biennial reports to the legislature, and if it deems advisable to accompany its reports with proposed bills to carry out any of its recommendations.
- (7) To make available translations of civil law materials and commentaries and to provide by studies and other doctrinal writings, materials for the better understanding of the civil law of Louisiana and the philosophy upon which it is based.
- (8) To recommend the repeal of obsolete articles in the Civil Code and Code of Civil Procedure and to suggest needed amendments, additions, and repeals.
- (9) To organize and conduct an annual meeting within the state for scholarly discussions of current problems in Louisiana law, bringing together representatives of the legislature, practicing attorneys, members of the bench and bar, and representatives of the law teaching profession.

Proposed law retains present law and adds to make recommendations on a biennial basis to the legislature for the repeal, removal or revision of provisions of law that have been declared unconstitutional by final and definitive court judgment.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 24:204(A)(3); adds R.S. 24:204(A)(10))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Specifies that recommendations to the legislature shall be made on a biennial basis.
2. Corrects the name of the Commissioners for the Promotion of Uniformity of Legislation in the U.S. to the Uniform Laws Commission.