

Regular Session, 2012

HOUSE CONCURRENT RESOLUTION NO. 131

BY REPRESENTATIVE LOPINTO

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study the testamentary disposition of the right to bring a survival action pursuant to Civil Code Article 2315.1 and to report its findings and recommendations in the form of specific proposed legislation to the legislature on or before January 1, 2013.

WHEREAS, Civil Code Article 2315.1 provides a survival action in favor of certain classes of survivors to the exclusion of others; and

WHEREAS, the Legislature of Louisiana has provided that this survival action is heritable; and

WHEREAS, mandatory transfer of a survival action to the favored class under Civil Code Article 2315.1 may conflict with the decedent's testamentary wishes when the decedent has been estranged from the favored class for a considerable length of time; and

WHEREAS, testamentary disposal of a survival action may result in a more equitable distribution of a decedent's assets.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study the testamentary disposition of the right to bring a survival action pursuant to Civil Code Article 2315.1 and to make specific recommendations for legislation.

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted to the director of the Louisiana State Law Institute and that the Louisiana State Law Institute report its findings and recommendations in the form of specific proposed legislation to the Legislature of Louisiana on or before January 1, 2013.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE