The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ben Huxen.

DIGEST

SB 130 Original 2016 Regular Session Appel

Present law permits a writ of mandamus to be directed to a public officer to require the performance of a ministerial duty.

Proposed law maintains present law, but prohibits a writ of mandamus from being directed to a public officer to compel the performance of appropriation of funds when such appropriation authority is within the discretion of the legislative branch of the state or political subdivision.

Present law provides that constructive contempt constitutes, in part, the willful neglect or violation of duty by a clerk, sheriff, or other person elected, appointed, or employed to assist the court in the administration of justice.

Proposed law prevents a court from holding any elected official in constructive contempt for the failure or refusal to appropriate funds if so ordered by the court if the appropriation authority is within the discretion of the legislative branch of the state or political subdivision.

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

(Amends C.C.P. Art. 3863; adds C.C.P. Art. 224.1)