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APPENDIX

MATRIMONIAL REGIMES—EQUAL MANAGEMENT

ACT NO. 627

HOUSE BILL NO. 1569

CODE BOOK III—OF THE DIFFERENT MODES OF ACQUIRING THE OWNERSHIP OF THINGS

CODE TITLE VI—OF MATRIMONIAL REGIMES, AND OF THE RESPECTIVE RIGHTS OF THE PARTIES IN RELATION TO THEIR PROPERTY

CHAPTER 2. MATRIMONIAL REGIMES

PART I. GENERAL PROVISIONS

§ 2831. Matrimonial regimes; definition

Matrimonial regimes regulate the ownership and management of the assets and liabilities of married persons, and in relation to their property, their rights and obligations with respect to each other and to third persons.

Comment

This provision is new. It defines a matrimonial regime, a term used throughout this Title. The definition is consistent with civil law usage. See for example, VIII Planiol et Ripert, *Traite Pratique de Droit Civil Francais* (1925) § 2; 12 Toullier, *Le Droit Civil Francais*, Titre V, p. 203; XXI Laurent, *Principes de Droit Civil Francais*, Chap. 1, Section 1, No. 3, p. 8 (1876).

§ 2832. Choice of matrimonial regime; adoption by contract

The community of gains established in Part II of this Chapter shall be the matrimonial regime to which the spouses shall be subject in the absence of a contract adopting a matrimonial regime of their choice which they are at liberty to enter into subject to the limitations contained in the Title and other laws.

§ 2833. Contractual modification or exclusion of community regime

The spouses may, in their contract modify or limit the community regime, or exclude it altogether. They may even elect to be separate in property. But they may not, by their contract, renounce or alter the marital portion or the established order of succession, or prohibit gratuitous dispositions permitted by law.

Unless otherwise stipulated in their contract, the provisions of the legal regime that they have neither excluded, limited, nor modified retain their effect as imposed by law.

Comment

This Section does not permit the spouses by contract to alter the effect of Article 3183 of the Civil Code, which provides that the property of the debtor is the common pledge of his creditors. See Civil Code Article 11.

The second paragraph rejects the tacit contract theory of the legal regime.

§ 2834. Contracts establishing, modifying or terminating matrimonial regimes; time of making; form; effect against third persons

A contract, whether establishing a matrimonial regime or modifying or terminating an established regime, may be entered into at any time before or during marriage. It may be made only by an act passed before a notary public and two witnesses; it shall not be effective against third persons until filed for registry in the mortgage records of the parish where the spouses are domiciled and, in relation to immovables, until filed for registry in the mortgage records of the parish where the immovable is situated.

Comment

(a) This provision is a change in the law. Article 2329 of the Louisiana Civil Code of 1870 prohibited alteration of a matrimonial agreement after celebration of marriage. This change however, is consistent with modern French law: French Civil Code Article 1397. For general

provisions authorizing married persons to contract with each other, see Article 1790 of the Louisiana Civil Code of 1870, as amended, and former Articles 2446, 1751 and 2329 of the Louisiana Civil Code of 1870.

(b) A matrimonial regime contract is subject to the general rules of conventional obligations except as specifically provided in this Title. For example, this Section authorizes retroactive provisions in a matrimonial regime contract but such provisions may not prejudice the rights of third persons. See Articles 1969 and 1502 of the Louisiana Civil Code of 1870.

§ 2835. Contracts of minors

Contracts establishing matrimonial regimes entered into by minors must contain the written concurrence of the minor's father and mother or of the parent having the legal custody of the minor, or of the tutor of the person of the minor.

PART II. THE COMMUNITY OF GAINS OR LEGAL MATRIMONIAL REGIME

SUBPART A. IN GENERAL

§ 2836. Marriages to which applicable; immovable and movable property; conflict of laws

Unless contractually excluded, limited or modified, the community of gains established by this Part shall be operative in every marriage whether the spouses were domiciled in this state at the time of their marriage or whether they afterwards establish a domicile in this state.

Immovables in this state acquired by married persons, regardless of the place of their domicile are subject to the provisions of this Title.

Movables are subject to the law of the place of the domicile of the acquiring spouse.

§ 2837. Characterization of property

The property of married persons is either community or separate.

§ 2838. Community property; ownership rights of the spouses

Each spouse owns a present undivided one-half interest in the community property. The community property comprises:

- (1) Things acquired during the legal regime through the effort, skill, or industry of either spouse;
- (2) Things acquired with community assets;
- (3) Things acquired with separate and community assets unless classified as separate in R.S. 9:2839. When things so acquired are classified as community property, reimbursement is due from community assets for the amount of the separate investment;
- (4) Things donated or bequeathed to the spouses jointly;
- (5) Fruits and revenues of community property;
- (6) Fruits and revenues of separate property except as otherwise provided in R.S. 9:2839;
- (7) Damages awarded for loss of or injury to a community asset;
- (8) All other things not classified as separate property by other provisions of this Part.

Property possessed by either spouse during the community regime is presumed to be community property, but neither spouse shall be precluded from proving its separate character.

Comment

(a) This provision reproduces, in substance, Article 2398 of the Louisiana Civil Code of 1870.

(b) Married persons owning community property are not treated like other co-owners of property who may force a partition at will, Louisiana Civil Code Article 1289. The spouses are subject to specific rules governing distribution of community property.

(c) This Section reproduces the substance of Article 2405 of the Louisiana Civil Code of 1870 as interpreted by the Louisiana jurisprudence. For judicial application of Articles 2405 and 2402 of the 1870 Code, see *R.D.M. Corporation v. Patterson*, 255 La. 301, 230 So.2d 820 (1970).

(d) The presumption that all property possessed by either spouse is community property is rebuttable by evidentiary proof to the contrary. Neither spouse is barred

from presenting evidence of the separate character of property because of failure to include a statement in the act of purchase that the property is being purchased with separate funds for the purchasing spouse's separate estate.

§ 2839. Separate property

A spouse owns his or her separate property to the exclusion of the other. The separate property of the spouses comprises:

(1) Things belonging to the spouse prior to a community regime;

(2) Things acquired by the spouse with separate assets, including those acquired in exchange for separate assets. The declaration in the act of acquisition that the things are acquired with the separate assets of the acquiring spouse may be controverted by the other spouse or by their creditors, but without prejudice to the rights of third persons;

(3) Things acquired with separate and community assets when the amount of the community investment is inconsequential. In such cases reimbursement is due from the separate estate for the amount of the community investment;

(4) Things acquired by the spouse by inheritance, donation or bequest. The donation by one spouse to the other of all or part of the donor's interest in a community asset transforms into the separate property of the donee not only the interest transferred but also the equal portion of the donee's interest therein and the fruits and revenues thereof unless the act of donation stipulates to the contrary;

(5) The fruits and revenues of the separate property of a spouse accruing after an act passed before a notary public and two witnesses reserving them as the separate property of the spouse has been filed for registry in the mortgage records of the parish where the spouse is domiciled and, if the fruits and revenues are derived from immovable property, in the mortgage records of the parish where the immovable is situated;

(6) Damages awarded to the spouse for the loss sustained as a result of fraud or bad faith in the administration of the community property by the other spouse.

§ 2840. Offenses and quasi offenses; compensatory damages as separate property

When an offering or quasi offense is committed against the person of a spouse during the existence of the community regime, the recovery or award for the damages sustained is the separate property of the injured spouse; but the portion thereof that is attributable to compensation for the expenses incurred as a result of the injury during the existence of the regime, or in compensation for the loss of community earnings, is community property.

The portion of the recovery or award attributable to the loss of community earnings shall be determined, as between the spouses, upon the dissolution of the community regime.

§ 2841. Obligations incurred by the spouses

Obligations incurred by a spouse before or during the community regime may be satisfied from the community and from the separate property of the spouse who incurred the obligation.

Comment

The spouses by contract may not alter the effect of Article 3183 of the Civil Code, which provides that no [*sic*] property of the debtor is the common pledge of his creditors.

SUBPART B. MANAGEMENT

§ 2842. Management of community and separate property generally

Each spouse acting alone may manage, control and dispose of his or her separate property and, except as otherwise provided by law, each spouse, acting alone may manage, control and dispose of community property.

Comment

This provision is a change in the law. It provides for equality in the management of community property. Each spouse has the power to manage community property without the consent or concurrence of the other, except in instances deemed of such importance to the well-being of

the family that concurrence is required. Other sections provide instances of such importance to commerce that one spouse is entitled to act to the exclusion of the other. See §§ 2843, 2844. See, for examples in other community property states, Ariz.Stat.Ann. Section 25-214, 1976 Supplement; Cal.Civ.Code Section 5125, Deering Supplement; Idaho Code Section 39-912 (1977); N.M.Stat.Ann. Section 57-4A-7 and 57-4A-8, 1975 Supplement; Nev.Rev. Stat. Section 123.230 (1977); Wash.Rev.Code 26.16.030, 1976 Supplement.

§ 2843. Alienation of community property; when concurrence of spouses required.

The alienation, encumbrance or lease of the following property, except encumbrances created by operation of law, requires the concurrence of the spouses:

- (1) Community immovables;
- (2) Community furniture or furnishings in use in the family house;
- (3) A community business or all or substantially all of the assets of the business;
- (4) Movables, when issued to or when registered as provided by law in the names of the spouses jointly.

The concurrence of the spouses is also necessary for the donation of community assets, except in cases of usual or customary gifts of a value commensurate with the economic status of the spouses at the time of the donation.

A spouse may expressly confer upon the other spouse the sole and irrevocable right to alienate, encumber, or lease a community immovable or a community business or all or substantially all of the assets of a community business.

Comment

A spouse who joins in a transaction or grants a power of attorney or mandate becomes a party to the transaction unless personal responsibility as a party is expressly negated.

Encumbrances imposed by law are excepted from the requirement of joinder. Thus, for example, a transaction by one spouse acting alone may result in a vendor's privi-

lege, or mechanic's or materialman's lien, affecting community property. Similarly, the recordation of a judgment against a spouse results in a judicial mortgage on community property situated in the parish of recordation.

A spouse may expressly confer upon the other spouse the sole right to alienate, encumber, or lease a particular community immovable or a particular community business or all or substantially all of the assets of a particular community business. The right conferred may be irrevocable although no consideration is given. The right conferred and the revocability of the right may be of unlimited duration, for a definite period of time, or until the happening of an uncertain or certain event.

This Section is not intended to limit the right of a creditor of a spouse to seize community property that the other spouse has the sole right to alienate, encumber, or lease.

§ 2844. Alienation of movable assets of business managed by one spouse; alienation of partnership, interest by partner spouse

A spouse who manages a community business without the participation in management of the other has the sole right to acquire, encumber, alienate or lease the movable assets of the business but cannot exercise this right alone if the encumbrance, alienation or lease comprises all or substantially all of the movable assets of the business or affects movables issued or registered in the name of the spouses jointly or the name of the other spouse alone, as provided in R.S. 9:2843 and R.S. 9:2845. A spouse who is a partner has the sole right to alienate, encumber or lease the accompanying partnership interest.

Comment

This provision is an exception to the general theory of equal management in order to facilitate commerce. One spouse may act to the exclusion of the other when the other spouse does not participate in the management of the business. The spouse who has the exclusive right to manage may not, however, alienate, encumber or lease all or substantially all of the movable assets including the

inventory of a business. See § 2843(3).

When both spouses participate in the management of a community business, either spouse acting alone may acquire, encumber, alienate and lease the movable assets of the business, subject to the limitations in § 2843.

This Section is not intended to limit the right of a creditor of a spouse to seize community property that the other spouse has the sole right to acquire, administer, encumber, lease, or alienate.

§ 2845. Alienation of movables issued or registered in name of one spouse; partnership interest

A spouse in whose name movables are issued or registered as provided by law has the sole right to manage them, encumber, lease or alienate them.

Comment

For example, stock issued in the name of one spouse alone can be transferred by that spouse only. Banking law governs access to accounts in the name of one spouse alone. Commercial Laws likewise govern the negotiation of instruments issued in the name of one spouse alone.

This Section is not intended to limit the right of a creditor of a spouse to seize community property that the other spouse has the sole right to acquire, administer, encumber, lease or alienate.

§ 2846. Unauthorized alienation of community property; liability of spouses for mismanagement

The encumbrance, lease or other alienation of community property made by one spouse without the right to do so is voidable at the instance of the other spouse.

The spouses are liable to each other for losses or damages caused by fraud or bad faith in the management of the community.

Comment

See LSA-R.S. 9:291, as amended, which allows spouses to sue each other during the marriage for enumerated causes.

§ 2847. Judicial authorization to act without the consent of other spouse

Either spouse, on petition by summary proceedings, may be authorized by the court to act without the consent of the other upon showing that such action is in the best interest of the family and that the consent of the other spouse has been arbitrarily refused or cannot be obtained due to the physical incapacity, mental incompetence, commitment, imprisonment or absence of the other spouse.

SUBPART C. DISSOLUTION

§ 2848. Manner of dissolution

The regime is dissolved by the death of one of the spouses, by a judgment of divorce or separation from bed and board, by a judgment decreeing the separation of property, or by the contract of the spouses.

§ 2849. Claims of creditors; satisfaction upon dissolution

Except as otherwise provided in this Subpart, upon dissolution of the community regime, the claims of creditors may be satisfied from the community property and from the separate property of the spouse who incurred the obligation.

§ 2850. Acceptance of community upon dissolution; effect

A spouse who accepts the community expressly and unconditionally upon the dissolution thereof is personally obligated for one-half the outstanding obligations incurred by the other spouse for the common interest of the spouses.

Comment

An obligation incurred for the common interest of the spouses is determined in accordance with § 2852(G). The personal liability created by this provision makes available the *separate property* of the accepting spouse. No creditor, however, may sue the accepting spouse for more than one-half of a particular obligation.

§ 2851. Petition for administration of community property upon dissolution

Upon dissolution of the community regime, or pending a suit that may result in its dissolution, either spouse may petition for an administration of the community property in the manner provided in the Louisiana Code of Civil Procedure. After the filing of this petition no execution shall issue against any community property, except for the enforcement of conventional mortgages or pledges.

Comment

If a petition for administration is filed pending a suit which may result in the dissolution of the community, no final judgment on said petition may be entered until there is a judgment in the suit which dissolves the community, except as provided in Code of Civil Procedure articles regulating the administration of the community property. Cf. Code of Civil Procedure Arts. 3247, 3248.

§ 2852. Liquidation of community; duties of administrator; payment of creditors; apportionment of community assets; reimbursement

A. The administrator appointed by the court shall liquidate the community property in accordance with the following principles:

B. Secured creditors shall be paid with priority from the proceeds of the secured property; any balance due shall be paid to them as unsecured creditors.

C. Each unsecured creditor shall be paid in the proportion that his claim bears to the total obligations of both spouses. Claims of one spouse against the other for reimbursement as hereinafter provided, or for damages for fraud or bad faith in the management of community property, are excluded from the obligations under this Paragraph.

D. After satisfaction of all obligations, each spouse is entitled to one-half the assets remaining except to the extent that reimbursement and adjustments are due between the spouses.

E. If community property has been used to satisfy a separate obligation of one of the spouses, that spouse shall reim-

bursed the other spouse, or his or her heirs, upon dissolution of the community, for one-half of the community property so used.

F. If the separate property of one spouse has been used to satisfy an obligation incurred for the common interest of the spouses, the spouse whose property has been used, or his or her heirs, shall be reimbursed for one-half of such property if there are community assets from which reimbursement can be made. However, if separate property of one spouse has been used to satisfy an obligation incurred for the ordinary and customary expenses of the marriage or for the support, maintenance and education of their children, in keeping with the economic condition of the community regime, the spouse whose property has been used, or his or her heirs, shall be reimbursed by the other spouse for one-half of such property.

G. Separate obligations include obligations incurred prior to the establishment of the community regime, obligations resulting from intentional torts, and obligations incurred for the benefit of the separate estate of one spouse to the extent that it does not inure to the benefit of the community or of the family. All other obligations incurred by a spouse during the existence of the community regime are presumed to have been incurred for the common interests of the spouses. Alimentary obligations imposed by law on a spouse shall be deemed to have been incurred during the existence of the community regime for the common interests of the spouses.

§ 2853. Community property applied for use of separate property and vice versa; reimbursement

If community property has been applied to or appropriated for the use of the separate property of one spouse, the other spouse, or his or her heirs, shall be entitled to one-half of the value of the community property so used. The same rule shall apply when separate property of one spouse has been applied to or appropriated for the use of the community estate if there are community assets from which reimbursement can be made.

§ 2854. Increased value of separate property resulting from labor or industry of spouses; reimbursement

If the separate property of one spouse has increased in value and such increase is attributable to the uncompensated labor or industry of either spouse, the other spouse shall be entitled to one half of the increase from the spouse whose property has increased in value.

PART III. SEPARATION OF PROPERTY

§ 2855. Conventional separation of property; rights and obligations of the spouses

The spouses shall be separate in property when they have so stipulated in the contract establishing their matrimonial regime. In such cases each spouse, acting alone, is free to manage, control and dispose of his or her movable and immovable property without the consent or concurrence of the other.

They contribute to the expenses of the marriage in accordance with the stipulations made in the contract, and in the absence thereof, each contributes in proportion to his or her means.

§ 2856. Judicial separation of property; effect; rights of creditors

A. A spouse during the marriage may obtain a judgment substituting the separation of property for the regime that has existed to that time, whenever that spouse's interest in that regime is threatened or diminished by the fraud, fault, neglect, or incompetence of the other or when the disorder of the other's affairs jeopardizes that spouse's interests under their matrimonial regime.

B. A judgment substituting the separation of property terminates the prior regime. The separation of property is retroactive to the day of the filing of the petition.

C. The creditors of a spouse may object to the separation of property as in fraud of their rights, either pending the suit for separation or within one year after final judgment without prejudice to the rights of third parties. If the judgment has been executed, they may assert its nullity to the extent they have been defrauded.

Section 2. Code Title I of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950 is hereby amended by adding thereto a new Section, designated as Section 1517, to read as follows:

§ 1517. Marital portion

If either the husband or the wife die rich, leaving the survivor in necessitous circumstances, the latter has a right to take out of the succession of the deceased what is called the marital portion; that is, the fourth of the succession in full property, if there be no children, and the same portion, in usufruct only, when there are but three or a smaller number of children; and if there be more than three children, the surviving [*sic*], whether husband or wife, shall receive only a child's share in usufruct, and he is bound to include in this portion what has been left to him as a legacy by the husband or wife who died first.

Whenever, during the administration of any succession, it appears that the surviving spouse will be entitled to the marital portion above provided for, upon final liquidation of the estate of the deceased, the survivor in necessitous circumstances shall be entitled to demand and receive from the executor or administrator of such succession, a periodical allowance to be fixed by the court wherein the proceedings are pending. Should the marital portion, as finally fixed, not be equal to the allowance as fixed by the court, the surviving spouse shall be charged with the amount of such deficiency.

Section 3. Articles 1790 and 1791 of the Louisiana Civil Code of 1870 are hereby amended and reenacted to read as follows:

Art. 1790. Besides the general incapacity which persons of certain descriptions are under, there are others applicable only to certain contracts, either in relation to the parties, such as tutor and ward, whose contracts with each other are forbidden; or in relation to the subject of the contract, such as purchases, by the administrator, of any part of the estate which is committed to his charge. These take place only in the cases specially provided by law, under different titles of this Code.

Art. 1791. The persons who have treated with a minor, person interdicted or of insane mind, cannot plead the nullity of the

agreement, if it is sought to be enforced by the party, when the disability shall cease, or by those who legally administer the rights of such person during the disability.

Section 4. Section 291 of Title 9 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted to read as follows:

§ 291. Suits between husband and wife

As long as the marriage continues and the spouses are not separated judicially, husband and wife may not sue each other, except for:

- (1) enforcement of a lawful conventional obligation;
- (2) a loss sustained as a result of fraud or bad faith in the administration of the community property by the other spouse;
- (3) avoidance of an unauthorized alienation, encumbrance or lease of community property;
- (4) judicial authorization to act without the consent of the other spouse;
- (5) a separation of property;
- (6) a separation from bed and board;
- (7) a divorce; or
- (8) restitution of separate property.

Comment

This Section establishes only a procedural bar to suit by one spouse against the other with enumerated exceptions. Thus, under this Section, during the existence of the marriage, a direct action can be brought by one spouse against the insurer of the other spouse. See La.R.S. 22:644.

Section 5. Articles 1751 and 2446 of the Louisiana Civil Code are hereby repealed.

Section 6. Title VI of Book III of the Louisiana Civil Code, comprised of Articles 2325 through 2437, is hereby repealed.

Section 7. Article 131 of the Louisiana Civil Code is hereby repealed.

Section 8. Chapter 1 of Code Title VI, Code Book III of Title 9 of the Louisiana Revised Statutes of 1950 are hereby repealed.

Section 9. Except for R.S. 9:2831 through 2835, Section 1, Section 2, Section 6, Section 7, and Section 8 of this Act shall take effect on January 1, 1980, and shall be applicable to the property and obligations of all spouses whether the spouses were married or whether property was acquired or an obligation was incurred prior to or after January 1, 1980, unless the spouses have adopted a matrimonial regime by express contract; provided, that Part II of Chapter 2 of Section 1 of this Act shall not be construed to change the characterization as community or separate of assets acquired or fruits and revenues accrued prior to January 1, 1980, nor to invalidate any act or transaction made prior to January 1, 1980 by a spouse according to the law in force at the time of the act or transaction.

All other provisions of this Act shall take effect on the sixtieth day after final adjournment of the 1979 Regular Session and shall be applicable to the property and obligations of all spouses whether the spouses were married or their property acquired or obligations incurred prior to or after the effective date of these provisions.

R.S. 9:2851 through R.S. 9:2852(D.) shall take effect only when Louisiana Code of Civil Procedure articles have been enacted governing the procedure for an administration of community property.

Section 10. The source notes, comments, and special notes contained in this Chapter reflect the intent of the legislature.

Section 11. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

Section 12. All laws or parts of laws in conflict herewith are hereby repealed.

Approved July 12, 1978.

RESOLUTION**EQUAL MANAGEMENT—CONTINUED STUDY AND
FURTHER PROPOSALS****HOUSE CONCURRENT RESOLUTION NO. 232**

A Concurrent Resolution to continue the joint legislative subcommittee and the advisory committee studying equal management of the community of acquets and gains; to provide for the coordination of the advisory committee and the Louisiana Law Institute to accomplish such purposes; to encourage the Louisiana State Bar Association to conduct conferences relative to House Bill No. 1569 of the 1978 Regular Session, and to provide otherwise with respect thereto.

WHEREAS, the Senate and the House of Representatives of the Louisiana Legislature adopted Senate Concurrent Resolution No. 54 at the 1977 Regular Session of the Legislature, which resolution created a joint legislative subcommittee composed of members of the House Committee on Civil Law and Procedure and Senate Judiciary A Committee for the purpose of drafting a proposed bill incorporating the general concept of the equal management of the community of acquets and gains; and

WHEREAS, in addition to the formation of such joint legislative subcommittee, Senate Concurrent Resolution No. 54 also created a six-member advisory committee to assist the joint legislative subcommittee in its task; and

WHEREAS, after extensive research and study, the subcommittee and the advisory committee submitted for consideration by the Louisiana Legislature at this 1978 Regular Session legislation in the form of House Bill No. 1569, generally providing for a system of equal management of the community of acquets and gains; and

WHEREAS, the earliest that any provision of House Bill No. 1569 would become effective is September 1, 1979 and such delay is considered necessary to permit a further in-depth review of House Bill No. 1569 and related laws presently found in the statutes and codes, by the Legislature, the Louisiana Law Institute, members of the judiciary, lawyers, and other interested members of the public throughout the entire state; and

WHEREAS, House Bill No. 1569 does not encompass all of the necessary modifications, repeals, or changes in the many provisions of the various statutes and codal articles not found in Title VI of the Revised Civil Code of Louisiana, particularly those laws which are premised upon the husband being the head and master, or the sole legal representative, of the community or laws which are in any manner affected by the repeal of the head and master concept; and

WHEREAS, the members of the Legislature have expressed concern about the extent to which spouses should be authorized to contract with each other;

WHEREAS, the orderly and complete implementation of the concept of equal management of the community of acquets and gains requires additional study and consideration prior to the 1979 Regular Session of the Legislature.

THEREFORE, BE IT RESOLVED by the House of Representatives of the Legislature of Louisiana, the Senate thereof concurring, that the joint Legislative subcommittee and the advisory committee created by Senate Concurrent Resolution No. 54 of the 1977 Regular Session of the Legislature are continued through the last day of the 1979 Regular Session for the purpose of further studying the equal management concept and coordinating efforts to draft such additional legislation as may be necessary to properly and orderly implement the concept of equal management of the community of acquets and gains and all of the laws related thereto.

BE IT FURTHER RESOLVED that the Louisiana Law Institute is authorized and directed to review the provisions of House Bill No. 1569, the statutes and codes of the state of Louisiana and to make such recommendations, proposals, and codifications as it deems necessary to achieve the policy objectives set forth in House Bill No. 1569 by the Legislature and to review proposed legislation which may be prepared pursuant to this resolution for the purpose of assuring that such proposed legislation utilizes the style and semantics appropriate for inclusion in the Civil Code and the statutes.

BE IT FURTHER RESOLVED that the Law Institute is authorized and directed to submit a proposal which would vest the spouses with unlimited right to contract with each other, a proposal which would vest the spouses with the right to con-

tract with each other in specified instances, and a proposal which would prohibit all contracts between spouses.

BE IT FURTHER RESOLVED that the advisory committee shall be directed to submit to the Louisiana Law Institute all of its recommendations and proposed changes in the law which it deems necessary and appropriate to fully implement House Bill No. 1569 allowing sufficient time for the Louisiana Law Institute to review such recommendations and proposals and to recommend them to the joint subcommittee.

BE IT FURTHER RESOLVED that the Louisiana Law Institute shall report all recommendations, proposals, and codifications to the joint subcommittee at least thirty days prior to the convening of the 1979 Regular Session of the Legislature.

BE IT FURTHER RESOLVED that the Louisiana State Bar Association is encouraged to conduct public meetings, conferences or seminars for the purpose of disseminating information relative to the provisions of House Bill No. 1569, receiving recommendations or proposals with respect thereto from the judiciary, lawyers, and other members of the public, and transmitting such recommendations or proposals to the Louisiana Law Institute and the joint subcommittee on or before February 1, 1979.

BE IT FURTHER RESOLVED that the Legislative Council be and it is hereby directed to provide such staff and clerical assistance to the joint legislative subcommittee, the advisory committee, or the Law Institute, as may be necessary and appropriate in the discharge of their duties pursuant to this resolution.

BE IT FURTHER RESOLVED that for purposes of such study the subcommittee herein provided for shall have all powers otherwise provided by law and by the rules of the respective houses as well as all powers inherent in legislative committees, including but not restricted to the subpoena power, and that the members of the subcommittee and of the advisory committee shall receive such per diem and mileage as is provided for committees of the legislature by the rules of the respective houses.