SLS 24RS-194 ORIGINAL

2024 Regular Session

SENATE BILL NO. 42

BY SENATOR MORRIS

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COURTS. Provides for modernization of the judiciary. (8/1/24)

2	To amend and reenact R.S. 13:35, 72.1, and 74, relative to courts and judicial procedure; to
3	provide relative to the employment of certain attorneys, staff personnel, and related
4	expenditures; to provide relative to the declaration of state law to other courts; to
5	provide relative to the salary of the supreme court crier, and selection of the supreme

provide relative to the salary of the supreme court crier, and selection of the supreme court deputy crier; to provide for reassignment of certain responsibilities from the

judicial commission to the supreme court; to provide certain rule making authority

AN ACT

to the Louisiana supreme court; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:35, 72.1, and 74 are hereby amended and reenacted to read as follows:

§35. Employment of attorneys, staff personnel, etc. and other employees; expenditures

The commission supreme court may employ and fix the duties and compensation of such any attorneys, staff personnel, and other employees, and may make such expenditures, including the payment of the fees of witnesses, as it finds necessary for the commission to accomplish its functions.

* * *

§72.1. Declaration of state law to federal courts

A. The supreme court of this state may, by rule of court, provide that when it shall appear to the Supreme Court of the United States, or to any court of appeals of the United States, or to the courts of last resort of other states, that there are involved, in any proceeding before it, questions or propositions of the laws of this state, which are determinative of the said cause, and there is no clear controlling precedent in the decisions of the supreme court of this state, such federal appellate the other state or federal court may certify such questions or propositions of the laws of this state to the supreme court of this state for instructions concerning such those questions or propositions of state law, which certificate the supreme court of this state may, by written opinion, answer.

B. The supreme court of this state is hereby authorized and empowered to **adopt all rules it deems appropriate to administer this Section and to** collaborate with any and all other courts of last resort of other states and of the United States in the preparation and approval of uniform rules of court to make effective this and similar laws.

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§74. Crier for Supreme Court; salary

There shall be a crier for the supreme court, who shall be appointed by the judges justices of the supreme court, and be commissioned by the civil sheriff for the parish of Orleans as a deputy sheriff. The crier shall receive from the state treasury on his own warrant approved by the chief justice the sum of thirty-one hundred dollars, per annum, payable monthly justices of the supreme court may designate one or more of its security personnel as a deputy crier and may direct that they be commissioned pursuant to R.S. 40:1379.1 in the same manner as provided for in Subsection N of that Section.

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

DIGEST

SB 42 Original

2024 Regular Session

Morris

<u>Present law</u> allows the La. judicial commission to employ and set the salaries of certain people it finds necessary for it to accomplish its functions.

<u>Proposed law</u> reassigns the La. judicial commission's authority to employ and set the salaries of certain people it finds necessary for it to accomplish its functions to the La. supreme court.

<u>Present law</u> allows the U.S. Supreme Court and U.S. courts of appeal to certify questions or propositions of La. law to the La. supreme court, which the La. supreme court may answer by written opinion in matters where La. law may prove determinative of a case before the requesting court.

<u>Proposed law</u> allows the La. supreme court to answer questions or propositions of La. law submitted by courts of last resort of other states in the same manner as it does for the U.S. Supreme Court and U.S. courts of appeal.

<u>Present law</u> allows the La. supreme court to collaborate with certain other courts for the purpose preparing, approving, and enacting uniform rules of court and similar laws.

<u>Proposed law</u> grants the La. supreme court limited rule making authority to facilitate collaboration with certain other courts for the purpose preparing, approving, and enacting uniform rules of court and similar laws.

<u>Present law</u> provides a salary of \$3,100 be paid from state funds per annum to the La. supreme court crier.

<u>Proposed law</u> deletes <u>present law</u> and allows the justices of the La. supreme court to designate one or more of its security personnel as a deputy crier and may direct that the deputy crier(s) be commissioned in the same manner as the sergeant at arms of the La. Senate.

Effective August 1, 2024.

(Amends R.S. 13:35, 72.1, and 74)