SLS 23RS-214 **ENGROSSED**

2023 Regular Session

SENATE BILL NO. 55

BY SENATOR LUNEAU

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SUCCESSIONS. Provides for procuration or mandate by a succession representative. (7/1/23)

AN ACT

To amend and reenact Code of Civil Procedure Art. 3191(B), relative to probate procedure; to provide relative to functions, powers, and duties of a succession representative; to provide with respect to procuration or mandate; to provide relative to appointment of an agent; to provide with respect to authority of an agent appointed by a succession representative; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Art. 3191(B) is hereby amended and reenacted to read as follows:

Art. 3191. General duties; appointment of agent

A. * * *

B. A nonresident succession representative may execute a ~~power of attorney~~ **procuration or mandate** appointing a resident of the state to represent him in all acts of his administration. A resident succession representative who will be absent from the state temporarily similarly may appoint an agent to act for him during his absence. **Additionally, a succession representative may appoint an agent to**

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.

alienate, acquire, lease, or encumber specifically described property on specific terms. A procuration or mandate granted for this purpose may either recite the specific terms of the transaction or state that the succession representative has approved the terms of the transaction. ~~In either case, the power of attorney~~ **The procuration or mandate** appointing the agent shall be filed in the record of the succession proceeding **and shall not need court approval**.

* * *

Section 2. This Act shall become effective on July 1, 2023; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature July 1, 2023, whichever is later.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Lebra R. Bias.

DIGEST

SB 55 Engrossed 2023 Regular Session Luneau

Present law provides that a nonresident succession representative may appoint a state resident to represent him in all acts of his administration by executing a power of attorney.

Proposed law changes present law by providing that a nonresident succession representative may execute a procuration or mandate to appoint a state resident to represent the nonresident succession representative in all acts of his administration.

Present law provides that a resident succession representative may appoint an agent to represent him when temporarily absent from the state. Proposed law retains present law and further provides that a succession representative may appoint an agent to alienate, acquire, lease, or encumber specific property on specific terms.

Proposed law provides that a procuration or mandate granted for the purposes of present law may either state the specific terms of the transaction or state that the succession representative has approved of the terms of the transaction.

Present law provides for the filing of the power of attorney in the record of the succession proceeding.

Proposed law changes present law by providing for the filing of the procuration or mandate rather than the power of attorney in the record of the succession proceeding which shall not need court approval.

Effective July 1, 2023.

(Amends C.C.P. Art. 3191(B))

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