

SENATE BILL NO. 55

BY SENATOR LUNEAU

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

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AN ACT

To amend and reenact Code of Civil Procedure Article 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 Article 3191(B) is hereby amended and reenacted to read as follows:

Art. 3191. General duties; appointment of agent

* * *

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 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

1 and subsequently approved by the legislature, this Act shall become effective on the day
2 following such approval by the legislature or July 1, 2023, whichever is later.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____