

CONFERENCE COMMITTEE REPORT

SB 137

2024 Regular Session

Miller

May 28, 2024

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 137 by Senator Miller, recommend the following concerning the Reengrossed bill:

1. That all House Committee Amendments (#3578) proposed by the House Committee on Commerce and adopted by the House of Representatives on April 25, 2024, be adopted.
2. That all House Floor Amendments proposed by Representative Jordan and adopted by the House of Representatives on May 14, 2024, be rejected.
3. That the following amendments to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 6:325(B), (C), and (D)," insert "653.4(B) and (C),"

AMENDMENT NO. 2

On page 1, line 4, after "customer" insert ", member,"

AMENDMENT NO. 3

On page 1, line 7, after "R.S. 6:325(B), (C), and (D)," insert "653.4(B) and (C),"

AMENDMENT NO. 4

On page 1, line 10, after "succession" insert "**or estate**"

AMENDMENT NO. 5

On page 3, between lines 12 and 13 insert:

"§653.4. Death of member or account owner; access, and transfer of accounts, shares, and property to succession **or estate** representative, heirs, legatees, and legal representative

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B.(1) In addition to the provisions of R.S. 6:664, upon receipt of letters testamentary, letters of administration, or letters of independent administration, issued by a court of competent jurisdiction **in this state or any other state**, appointing any authorized succession **or estate** representative, a credit union may grant access to or allow the transfer of contents of a safety deposit box or money or other property titled in the name of its deceased member or depositor to the succession **or estate** representative.

(2) **Notwithstanding the provisions of Code of Civil Procedure Article 3402 or any other applicable law, a credit union may grant access to or allow the transfer of contents of a safety deposit box or money or other property titled in the name of the credit union's deceased member or depositor to the succession or estate representative appointed by a court outside of Louisiana.**

(3) The credit union may continue to follow the direction of the authorized succession **or estate** representative related to the safety deposit box or money or other property of its deceased member or depositor, unless and until the credit union receives a subsequent **court** order, issued by a court of competent jurisdiction, specifically naming and directing the credit union to cease following the direction of the succession **or estate** representative, or the credit union receives a subsequent **court** order, issued by a court of competent jurisdiction, limiting or terminating the authority of or replacing the succession **or estate** representative.

(3)(4) A judgment of possession **or court order** issued by a court of competent jurisdiction **issued by a court of this state or any other state** recognizing and putting the legatees or heirs in possession of the estate of its deceased member or depositor shall constitute full and proper authority for the credit union holding a safety deposit box or money or other property titled in the name of the deceased member or depositor to transfer those assets to the legatees or heirs entitled to such property under the judgment of possession.

C. Conclusive proof to a credit union of the letters testamentary, letters of administration, letters of independent administration of the succession **or estate** representative, or judgment of possession **or court order**, issued by a court of competent jurisdiction, shall result from copies thereof, duly certified when rendered by a court of this state, ~~or certified according to the Acts of Congress when rendered by a court~~ **or of any other state, or certified according to the law of the place when rendered by a court** of any possession or dependency of the United States, or certified according to the law of the place with the genuineness of the certification attested by a consular agent of the United States when rendered by a court of any foreign country.

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AMENDMENT NO. 6

On page 3, line 14, after "succession" insert "**or estate**"

AMENDMENT NO. 7

On page 4, line 28, after "succession" insert "**or estate**"

Respectfully submitted,

Senators:

Representatives:

Senator Beth Mizell

Representative Daryl Deshotel

Senator Gregory A. Miller

Representative Jacob Braud

Senator Jean-Paul Coussan

Representative Kim Carver

The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier Alexander.

CONFERENCE COMMITTEE REPORT DIGEST

SB 137

2024 Regular Session

Miller

Keyword and summary of the bill as proposed by the Conference Committee

BANKS/BANKING. Provides relative to deposits for customers who expire while domiciled out of state.(8/1/24)

Report adopts House amendments to:

1. Expand provisions of proposed law relative to the access or transfer of contents of a safety deposit box or money or other property titled in the name of the deceased bank customer to include an estate representative.
2. Add, in addition to a judgment of possession, that a court order issued by a court of competent jurisdiction in this state or any other state recognizing and putting certain persons in possession of the bank's deceased customer's estate shall constitute full and proper authority for a bank to transfer certain property.

Report rejects House amendments which would have:

1. Provided that provisions of proposed law relative to the access or transfer of contents of a safety deposit box or money or other property titled in the name of a deceased customer would have applied to credit unions.

Report amends the bill to:

1. Allow a credit union to grant access to or allow transfer of contents of a safety deposit box or money or other property titled in the name of credit union's deceased member or depositor to the succession or estate representative.
2. Add, in addition to a judgment of possession, that a court order issued by a court of competent jurisdiction in this state or any other state recognizing and putting certain persons in possession of the estate of the credit union's deceased member or depositor shall constitute full and proper authority for the credit union to transfer certain property.

Digest of the bill as proposed by the Conference Committee

Present law provides that regardless of whether a bank has received written notice of the death of its customer and regardless of any prior action by a bank to freeze or restrict access and transactions related to its deceased customer's safety deposit box, upon receipt of letters testamentary, letters of administration, or letters of independent administration, issued by a court of competent jurisdiction, a bank may grant access to or allow the transfer of the contents of a safety deposit box or money or other property titled in the name of its deceased customer to the succession representative.

Proposed law retains present law, clarifies that the letters testamentary, letters of administration, or letters of independent administration shall be issued by a court of competent jurisdiction in this state or any other state and adds that an estate representative can be appointed by the court.

Proposed law provides that a bank may grant access to or allow the transfer of contents of a safety deposit box or money or other property titled in the name of the bank's deceased customer to the succession or estate representative appointed by a court outside of this state.

Present law provides that a judgment of possession recognizing and putting the legatees or heirs in possession of the deceased customer estate shall constitute full and proper authority for the bank holding a safety deposit box or money or other property titled in the name of the deceased customer to transfer those assets to the legatees or heirs entitled to such property under the judgment of possession. Provides that when a bank makes such a transfer, there shall be full protection from the heir, legatee, creditor, or other person having any right or claim to money or property of its deceased customer, and the bank shall have no liability related to such transfer or transaction involving its deceased customer's safety deposit box or money or other property in the bank's possession.

Proposed law retains present law and clarifies that a judgment of possession or court order recognizing and putting the legatees or heirs in possession of the deceased customer's estate shall be issued by a court of competent jurisdiction in this state or any other state.

Present law provides that conclusive proof to the bank of the letters or judgments and of the jurisdiction of the court rendering them shall result from copies thereof, duly certified when rendered by a court of this state, or certified according to the Acts of Congress when rendered by a court of any other state, or certified according to the law of the place with genuineness of the certification attested by a consular agent of the U.S. when rendered by a court of any foreign country.

Proposed law removes from present law the requirement that copies of the letters or judgments be certified according to the Acts of Congress.

Present law provides that regardless of whether the association has received written notice of the death of its members or depositor and regardless of any prior action by an association to freeze or restrict access and transactions related to its deceased member's or depositor's shares or accounts, upon receipt of letters testamentary, letters of administration, or letters of independent administration, issued by a court of competent jurisdiction, appointing an authorized succession representative, an association may grant access to or allow the transfer of money or other property titled in the name of its deceased member or depositor to the succession representative.

Present law provides that the letters of the succession representative shall constitute full and proper authority for the association to grant access to or allow the transfer of the withdrawal value of share accounts, demand accounts, deposit accounts, or saving accounts, and dividends or interest that may have accrued thereon or any money or property held in the name of the deceased member or depositor to such succession representative. Provides the association shall have no liability related to such activity or transaction involving its deceased member's or depositor's money or property in its possession, and the association shall have no liability for any inheritance tax due thereon.

Present law provides that the association may continue to follow direction of the authorized succession representative related to the money or other property titled in its deceased member's or depositor's name, unless and until the association receives a subsequent order specifically naming the association and directing the association to cease following the written direction of the succession representative, or the association receives a subsequent order limiting or terminating authority of or replacing the succession representative.

Proposed law retains present law, clarifies that a letters testamentary, letters of administration, or letters of independent administration shall be issued by a court of competent jurisdiction in this state or any other state, and adds that an estate representative can be appointed by the court. Further provides that an association may grant access to or allow the transfer of money or other property titled in the name of the deceased member or depositor to the succession or estate representative appointed by a court outside of this state.

Present law provides that regardless of whether an association has received written notice of the death of its customer and regardless of any prior action by an association to freeze or restrict access and transactions related to its deceased customer's safety deposit box, upon receipt of letters testamentary, letters of administration, or letters of independent

administration, issued by a court of competent jurisdiction, appointing an authorized succession representative, an association may grant access to or allow the transfer of the contents of a safety deposit box titled in the name of its deceased customer, to the succession representative, and an association may otherwise follow whatever directions it receives from the succession representative.

Present law provides that the letters of the succession representative shall constitute full and proper authority for allowing the succession representative to access, remove, or transfer the contents of a safety deposit box titled in the name of the deceased customer and the association shall have no liability related to such activity or transaction involving its deceased customer's safety deposit box.

Present law provides that the association may continue to follow the direction of the authorized succession representative related to safety deposit boxes of its deceased customer, unless and until the association receives a subsequent order specifically naming and directing the association to cease following the written direction of the succession representative or receives a subsequent order limiting or terminating the authority of or replacing the succession representative.

Proposed law retains present law and clarifies that a letters testamentary, letters of administration, or letters of independent administration shall be issued by a court of competent jurisdiction in this state or any other state. Further provides that an association may grant access to or allow the transfer of contents of a safety deposit box titled in the name of the deceased customer to the succession or estate representative appointed by a court outside of this state.

Present law provides that the receipt of a judgment of possession issued by a court of competent jurisdiction, recognizing and putting the legatees or heirs in possession of the deceased customer's estate shall constitute full and proper authority for the association holding a safety deposit box or other property titled in the name of the deceased customer's name to transfer those assets to the legatees or heirs entitled to such property under the judgment of possession. Provides when an association makes such a transfer, there shall be full protection to the association against any heir, legatee, creditor, or other person having any right or claim to funds or property of its deceased customer, and the association shall have no liability related to such transfer or transaction involving its deceased customer's safety deposit box or money or other property in the association's possession, and the association shall have no liability for any inheritance tax due thereon.

Proposed law retains present law and clarifies that a judgment of possession or court order recognizing and putting the legatees of heirs in possession of the deceased customer's estate, shall be issued by a court of competent jurisdiction in this state or any other state.

Present law provides that upon receipt of letters testamentary, letters of administration, or letters of independent administration, issued by a court of competent jurisdiction, appointing any authorized succession representative, a credit union may grant access to or allow transfer of contents of a safety deposit box or money or other property titled in the name of its deceased member or depositor to the succession representative.

Proposed law retains present law, clarifies that the letters testamentary, letters of administration, or letters of independent administration shall be issued by a court of competent jurisdiction in this state or any other state, and adds that an estate representative can be appointed by the court. Further provides that a credit union may grant access to or allow the transfer of contents of a safety deposit box or money or other property titled in the name of the credit union's deceased member or depositor to the succession or estate representative appointed by a court outside of Louisiana.

Present law provides that a judgment of possession issued by a court of competent jurisdiction recognizing and putting legatees or heirs in possession of the estate of its deceased member or depositor shall constitute full and proper authority for the credit union holding a safety deposit box or money or property titled in the name of the deceased member or depositor to transfer the property.

Proposed law retains present law and clarifies that a judgment of possession or court order recognizing and putting legatees or heirs in possession of the deceased member or depositor shall be issued by a court of competent jurisdiction in this state or any other state.

Present law provides that conclusive proof to a credit union of the letters of testamentary, letters of administration, letters of independent administration of the succession representative or judgment of possession, issued by a court of competent jurisdiction, shall result from copies thereof, duly certified when rendered by a court of this state, or certified according to Acts of Congress when rendered by a court of any possession or dependency of the United States, or certified according to the law of the place with the genuineness of the certification attested by a consular agent of the United States when rendered by a court of any foreign country.

Proposed law removes requirement that copies of the letters of judgments be certified according to Acts of Congress and instead adds the requirement that copies of the letters or judgments be certified according to the law of the place when rendered by a court of any possession or dependency of the United States.

Effective August 1, 2024.

(Amends R.S. 6:325(B), (C), and (D), 653.4(B) and (C), 767(C) and (D), and 768(B) and (C))