

## RÉSUMÉ DIGEST

**ACT 391 (SB 540)**

**2018 Regular Session**

**Riser**

Prior law provided for the establishment of a trust fund for a perpetual or endowed care cemetery.

New law provides for the creation of a master trust fund for the purposes of collective investment and administration.

New law provides that with the written consent of each participant in a master trust fund, a designated trustee of two or more trust funds may apply to the board to establish a master trust fund in which deposits are made pursuant to law.

New law provides that the master trust fund shall be subject to the following requirements:

- (1) It shall include only trust funds with a principal balance of less than \$250,000. Provides that if a trust fund has a principal sum exceeding \$250,000 at the end of a reporting period, such trust fund shall be removed from the master trust fund within 90 days.
- (2) The designated trustee of a master trust fund shall maintain separate records of principal and income for each participant in the master trust fund.
- (3) The income and associated expenses of the master trust fund shall be divided among the participants in the master trust fund based on the proportion that each participant contributes to the balance of the master trust fund.
- (4) The annual report by the designated trustee of the master trust fund shall include an itemized separate accounting for each participant in the master trust fund.
- (5) The operation of the master trust fund shall be subject to the provisions of Title 8 of the Louisiana Revised Statutes of 1950 and the rules and regulations of the board.

Prior law provided that a trustee shall file with the La. Cemetery Board (board), with a copy to the clerk of the district court for the parish in which the cemetery is located, an annual report and final accounting showing in detail all receipts and disbursements of cash and all receipts and deliveries of other trust property.

New law removes the requirement that the trustee provide a copy of the annual report and the final accounting to the clerk of the district court for the parish in which the cemetery is located.

New law provides that the annual report and the final accounting shall be open for public inspection and upon request, a copy of the annual report and final accounting shall be made available.

Prior law provided that any cemetery in existence on August 1, 1962, which, prior to such date, sold or contracted to sell interment spaces with a provision for perpetual or endowed care, qualifies for the exceptions, if the owner of said cemetery filed in the office of the recorder of mortgages for the parish in which said cemetery is located, a sworn affidavit executed by said owner, or its principal officer, setting forth certain information.

Prior law provided that a like affidavit shall be filed at the end of each fiscal year thereafter for the operation of such cemetery.

New law requires the like affidavit be filed with the board.

Effective upon signature of the governor (May 20, 2018).

(Amends R.S. 8:454, 8:456(A)(1)(intro para), 456(B), and 457(B); adds R.S. 8:456(C))