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

DIGEST

SB 540 Engrossed

2018 Regular Session

Riser

Present law provides for the establishment of a trust fund for a perpetual or endowed care cemetery.

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

Proposed 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.

Proposed 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.

Present law provides 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.

Proposed 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.

Proposed 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.

Present law provides 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.

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

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

Effective upon signature of the governor or lapse of time for gubernatorial action.

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Provides that the annual report and final accounting shall be open for public inspection, and upon request, a copy of such information shall be made available.