

Regular Session, 2010

HOUSE BILL NO. 603

BY REPRESENTATIVE ABRAMSON

SUCCESSION/INHERITANCE: Provides relative to the valuation table of mortality

1 AN ACT

2 To enact R.S. 47:2405, relative to the valuation of certain assets; to provide a table for
3 calculating the value of certain legacies or donations mortis causa; to provide for a
4 table of mortality; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 47:2405 is hereby enacted to read as follows:

7 §2405. Valuation of annuity or usufruct and property subject thereto

8 In fixing the value of any legacy or donation mortis causa which consists in
9 whole or in part of an annuity or usufruct or right of use or habitation, the court shall
10 consider the expectancy of life of the heir, legatee, or donee according to the table
11 known as the American Experience Table of Mortality, at six per centum per annum
12 compound interest. The following table may be used as the basis of fixing such
13 values:

| | | <u>PRESENT VALUE</u> | <u>PRESENT VALUE</u> |
|-------------|-------------------|----------------------|----------------------|
| | <u>LIFE</u> | <u>OF NAKED</u> | <u>OF LIFE</u> |
| | <u>EXPECTANCY</u> | <u>OWNERSHIP</u> | <u>USUFRUCT</u> |
| <u>AGES</u> | <u>IN YEARS</u> | <u>OF \$1.00</u> | <u>OF \$1.00</u> |
| 18 | <u>20</u> | <u>42.20</u> | <u>\$.085548</u> |
| 19 | <u>21</u> | <u>41.53</u> | <u>.089967</u> |
| 20 | <u>22</u> | <u>40.85</u> | <u>.092544</u> |
| | | | <u>.914452</u> |
| | | | <u>.910033</u> |
| | | | <u>.907456</u> |

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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|----|-----------|--------------|----------------|----------------|
| 1 | <u>23</u> | <u>40.10</u> | <u>.096672</u> | <u>.903328</u> |
| 2 | <u>24</u> | <u>39.49</u> | <u>.100197</u> | <u>.899803</u> |
| 3 | <u>25</u> | <u>38.81</u> | <u>.104231</u> | <u>.895769</u> |
| 4 | <u>26</u> | <u>38.12</u> | <u>.108497</u> | <u>.891503</u> |
| 5 | <u>27</u> | <u>37.43</u> | <u>.112975</u> | <u>.887025</u> |
| 6 | <u>28</u> | <u>36.73</u> | <u>.117669</u> | <u>.882331</u> |
| 7 | <u>29</u> | <u>36.03</u> | <u>.122533</u> | <u>.877467</u> |
| 8 | <u>30</u> | <u>35.33</u> | <u>.127675</u> | <u>.872325</u> |
| 9 | <u>31</u> | <u>34.63</u> | <u>.132994</u> | <u>.867006</u> |
| 10 | <u>32</u> | <u>33.93</u> | <u>.138491</u> | <u>.861509</u> |
| 11 | <u>33</u> | <u>33.21</u> | <u>.144448</u> | <u>.855552</u> |
| 12 | <u>34</u> | <u>32.50</u> | <u>.150571</u> | <u>.849429</u> |
| 13 | <u>35</u> | <u>31.78</u> | <u>.157003</u> | <u>.842997</u> |
| 14 | <u>36</u> | <u>31.07</u> | <u>.163604</u> | <u>.836396</u> |
| 15 | <u>37</u> | <u>30.35</u> | <u>.170661</u> | <u>.829339</u> |
| 16 | <u>38</u> | <u>29.62</u> | <u>.178080</u> | <u>.821920</u> |
| 17 | <u>39</u> | <u>28.90</u> | <u>.185664</u> | <u>.814336</u> |
| 18 | <u>40</u> | <u>28.18</u> | <u>.193637</u> | <u>.806363</u> |
| 19 | <u>41</u> | <u>27.45</u> | <u>.202086</u> | <u>.797914</u> |
| 20 | <u>42</u> | <u>26.22</u> | <u>.217073</u> | <u>.782927</u> |
| 21 | <u>43</u> | <u>26.00</u> | <u>.219810</u> | <u>.780190</u> |
| 22 | <u>44</u> | <u>25.27</u> | <u>.229438</u> | <u>.770562</u> |
| 23 | <u>45</u> | <u>24.54</u> | <u>.239430</u> | <u>.760570</u> |
| 24 | <u>46</u> | <u>23.81</u> | <u>.249794</u> | <u>.750206</u> |
| 25 | <u>47</u> | <u>23.08</u> | <u>.260612</u> | <u>.739388</u> |
| 26 | <u>48</u> | <u>22.36</u> | <u>.271850</u> | <u>.728150</u> |
| 27 | <u>49</u> | <u>21.63</u> | <u>.283666</u> | <u>.716334</u> |
| 28 | <u>50</u> | <u>20.91</u> | <u>.295743</u> | <u>.704257</u> |
| 29 | <u>51</u> | <u>20.20</u> | <u>.308275</u> | <u>.691725</u> |

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|----|-----------|--------------|----------------|----------------|
| 1 | <u>52</u> | <u>19.49</u> | <u>.321346</u> | <u>.678654</u> |
| 2 | <u>53</u> | <u>18.79</u> | <u>.334678</u> | <u>.665322</u> |
| 3 | <u>54</u> | <u>18.09</u> | <u>.348559</u> | <u>.651441</u> |
| 4 | <u>55</u> | <u>17.40</u> | <u>.362956</u> | <u>.637044</u> |
| 5 | <u>56</u> | <u>16.73</u> | <u>.377380</u> | <u>.622620</u> |
| 6 | <u>57</u> | <u>16.05</u> | <u>.392532</u> | <u>.607468</u> |
| 7 | <u>58</u> | <u>15.39</u> | <u>.408054</u> | <u>.591946</u> |
| 8 | <u>59</u> | <u>14.74</u> | <u>.423774</u> | <u>.576226</u> |
| 9 | <u>60</u> | <u>14.10</u> | <u>.439797</u> | <u>.560203</u> |
| 10 | <u>61</u> | <u>13.47</u> | <u>.456366</u> | <u>.543634</u> |
| 11 | <u>62</u> | <u>12.86</u> | <u>.472777</u> | <u>.527223</u> |
| 12 | <u>63</u> | <u>12.26</u> | <u>.489655</u> | <u>.510345</u> |
| 13 | <u>64</u> | <u>11.67</u> | <u>.506809</u> | <u>.493191</u> |
| 14 | <u>65</u> | <u>11.10</u> | <u>.523806</u> | <u>.476194</u> |
| 15 | <u>66</u> | <u>10.54</u> | <u>.541327</u> | <u>.458673</u> |
| 16 | <u>67</u> | <u>10.00</u> | <u>.558395</u> | <u>.441605</u> |
| 17 | <u>68</u> | <u>9.47</u> | <u>.576152</u> | <u>.423848</u> |
| 18 | <u>69</u> | <u>8.97</u> | <u>.592963</u> | <u>.407037</u> |
| 19 | <u>70</u> | <u>8.48</u> | <u>.610365</u> | <u>.389635</u> |
| 20 | <u>71</u> | <u>8.00</u> | <u>.627412</u> | <u>.372588</u> |
| 21 | <u>72</u> | <u>7.55</u> | <u>.644352</u> | <u>.355648</u> |
| 22 | <u>73</u> | <u>7.11</u> | <u>.660916</u> | <u>.339084</u> |
| 23 | <u>74</u> | <u>6.68</u> | <u>.677826</u> | <u>.322174</u> |
| 24 | <u>75</u> | <u>6.27</u> | <u>.694187</u> | <u>.305813</u> |
| 25 | <u>76</u> | <u>5.88</u> | <u>.710037</u> | <u>.289963</u> |
| 26 | <u>77</u> | <u>5.49</u> | <u>.726532</u> | <u>.273468</u> |
| 27 | <u>78</u> | <u>5.11</u> | <u>.742605</u> | <u>.257395</u> |
| 28 | <u>79</u> | <u>4.74</u> | <u>.758915</u> | <u>.241085</u> |
| 29 | <u>80</u> | <u>4.39</u> | <u>.774608</u> | <u>.225392</u> |

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|----|-----------|-------------|----------------|----------------|
| 1 | <u>81</u> | <u>4.05</u> | <u>.789852</u> | <u>.210148</u> |
| 2 | <u>82</u> | <u>3.71</u> | <u>.805876</u> | <u>.194124</u> |
| 3 | <u>83</u> | <u>3.39</u> | <u>.821084</u> | <u>.178916</u> |
| 4 | <u>84</u> | <u>3.08</u> | <u>.835817</u> | <u>.164183</u> |
| 5 | <u>85</u> | <u>2.77</u> | <u>.851206</u> | <u>.148794</u> |
| 6 | <u>86</u> | <u>2.47</u> | <u>.866319</u> | <u>.133681</u> |
| 7 | <u>87</u> | <u>2.18</u> | <u>.880928</u> | <u>.119072</u> |
| 8 | <u>88</u> | <u>1.91</u> | <u>.894442</u> | <u>.105558</u> |
| 9 | <u>89</u> | <u>1.66</u> | <u>.908152</u> | <u>.091848</u> |
| 10 | <u>90</u> | <u>1.42</u> | <u>.920968</u> | <u>.079032</u> |
| 11 | <u>91</u> | <u>1.19</u> | <u>.933250</u> | <u>.066750</u> |
| 12 | <u>92</u> | <u>.98</u> | <u>.944528</u> | <u>.055472</u> |
| 13 | <u>93</u> | <u>.80</u> | <u>.954717</u> | <u>.045283</u> |
| 14 | <u>94</u> | <u>.64</u> | <u>.963773</u> | <u>.036227</u> |
| 15 | <u>95</u> | <u>.50</u> | <u>.971698</u> | <u>.028302</u> |

 DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Abramson

HB No. 603

Abstract: Reenacts the valuation table of mortality used for the valuation of certain assets in successions.

Proposed law reenacts the table of mortality used for the valuation of any legacy or donation mortis causa to an heir, legatee, or donee which consists in whole or in part of an annuity or usufruct or right of use or habitation, and provides that the table may be used as the basis of fixing the values. These provisions of prior law were repealed by Acts 2008, No. 822, §1, eff. Jan. 1, 2010, in conjunction with the repeal of various laws relative to inheritance taxes.

(Adds R.S. 47:2405)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Added provision specifying that the mortality table is applicable to heirs.
2. Added provision changing the applicability of the table from mandatory to permissive.