

Regular Session, 1997

HOUSE BILL NO. 1593

BY REPRESENTATIVES VITTER, ALARIO, BRUN, COPELIN, BRUN, DEWITT, DOERGE, FRITH, JENKINS, LANCASTER, MCCALLUM, MURRAY, POWELL, SCALISE, SCHNEIDER, JOHN SMITH, THOMAS, THOMPSON, TOOMY, WALSWORTH, WIGGINS, AND WILKERSON AND SENATORS LAMBERT AND SCHEDLER

AN ACT

To amend and reenact R.S. 47:2401, 2431, and 2432(A) and to enact R.S. 47:2403(E) and 2420(D), relative to the inheritance tax; to reduce the inheritance tax; to provide that the tax, interest, and penalties are not applicable under certain circumstances; to make technical corrections to the estate transfer tax; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:2401, 2431, and 2432(A) are hereby amended and reenacted and R.S. 47:2403(E) and 2420(D) are hereby enacted to read as follows:

§2401. Levy of tax

A. There is hereby levied a tax upon all inheritances, legacies and donations and gifts made in contemplation of death, except such as are hereinafter specifically exempted.

B. For deaths occurring after June 30, 2004, the tax levied under this Part shall not apply when a judgment of possession is rendered or when the succession is judicially opened no later than the last day of the ninth month following the death of the decedent.

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§2403. Rates of tax

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E. Notwithstanding any provision of this Section to the contrary, for deaths occurring after June 30, 1998, the tax rate as provided in this Section shall be as follows:

(1) For deaths occurring after June 30, 1998, and before July 1, 2001, the tax rates provided in this Section shall be reduced by eighteen percent.

(2) For deaths occurring after June 30, 2001, and before July 1, 2002, the tax rates provided in this Section shall be reduced by forty percent.

(3) For deaths occurring after June 30, 2002, and before July 1, 2003, the tax rates provided in this Section shall be reduced by sixty percent.

(4) For deaths occurring after June 30, 2003, the tax rates provided in this Section shall be reduced by eighty percent.

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§2420. Interest on delinquent tax; extension of time

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D. Notwithstanding any provision of law to the contrary, no penalty or interest shall apply or be assessed when the succession is opened no later than the last day of the ninth month following the death of the decedent.

Section 2. R.S. 47:2431 and 2432(A) are hereby amended and reenacted to read as follows:

§2431. Levy of tax

There is hereby levied an estate transfer tax upon all estates which are subject to federal estate taxation under the Federal Internal Revenue Code.

§2432. Amount of tax and time of payment

A. Amount of tax. Wherever there is a credit allowable under the United States Internal Revenue Code as to the amount of the federal estate tax for amount of state death taxes, the maximum amount of the credit for the state death taxes shall be paid to the state of Louisiana.

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Section 3. The Department of Revenue and Taxation shall develop, disseminate, and publicize a program to educate the public on the requirements of the inheritance tax and the estate transfer tax and in particular the effects of this Act. The program shall be disseminated, to the extent possible, through the print media, and through radio, television, and the internet.

Section 4. Section 1 of this Act shall become effective on July 1, 1998.

Section 2 shall become effective on July 1, 2004.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____