

Regular Session, 2014

SENATE BILL NO. 269

BY SENATOR PEACOCK

DONATIONS. Provides relative to the annual limit on authorized donations that a curator may make on behalf of an interdict. (8/1/14)

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AN ACT

To amend and reenact the introductory paragraph of R.S. 9:1022 and 1024(A), relative to donations; to provide relative to donations by a curator on behalf of an interdict; to provide relative to the maximum value of certain donations; to provide for certain terms, conditions and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 9:1022 and 1024(A) are hereby amended and reenacted to read as follows:

§1022. Authorization of curators to continue making donations to descendants

The court may authorize a curator, in the name and on behalf of the interdict, to make donations inter vivos from the surplus funds or other surplus property of the interdict, of a ~~value of not more than ten thousand dollars annually~~ **value annually of not more than the greater of fourteen thousand dollars or the maximum amount that may be excluded from federal gift taxation pursuant to United States Code Title 26, Section 2503(b)**, to each of the direct descendants of the interdict, when:

* * *

1 §1024. Donations by curator to collaterals; court authorization

2 A. The court may authorize a curator, in the name and on behalf of an
3 interdict who has no direct descendants and no spouse, to make donations inter vivos
4 of money from surplus funds of the interdict to each of the brothers and sisters of the
5 interdict and to each of the direct descendants of the brothers and sisters of the
6 interdict, or to trusts in which they are the only principal and income beneficiaries,
7 provided that there is no known testamentary disposition to the contrary. ~~Annual~~
8 ~~donations shall not exceed ten thousand dollars per donee~~ **Annual donations per**
9 **donee shall not exceed fourteen thousand dollars or the maximum amount that**
10 **may be excluded from federal gift taxation pursuant to 26 U.S.C. 2503(b),**
11 **whichever is greater.** The total amount donated annually to each of the brothers and
12 sisters of the interdict and to each of the direct descendants of the brothers and sisters
13 of the interdict, or to trusts therefor, shall be equal by roots from the parents of the
14 interdict.

15 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Julie J. Baxter.

DIGEST

Peacock (SB 269)

Present law provides that a court under certain conditions may authorize a curator, in the name and on behalf of the interdict, to make donations inter vivos from the surplus funds or other surplus property of the interdict, in a value of not more than \$10,000 annually to each of certain direct descendants of the interdict.

Proposed law provides that the maximum annual donation value shall be the greater of \$14,000 or the maximum amount that may be excluded from federal gift taxation pursuant to 26 U.S.C. 2503(b).

Present law provides that a court under certain conditions may authorize a curator in the name and on behalf of an interdict who has no direct descendants and no spouse, to make donations inter vivos of money from surplus funds of the interdict to each of the brothers and sisters of the interdict and to each of the direct descendants of the brothers and sisters of the interdict, or to trusts in which they are the only principal and income beneficiaries, provided that there is no known testamentary disposition to the contrary.

Proposed law retains present law.

Present law further provides that annual donations per donee shall not exceed \$10,000.

Proposed law provides that annual donations per donee shall not exceed the greater of

\$14,000 or the maximum amount that may be excluded from federal gift taxation pursuant to 26 U.S.C. 2503(b).

Effective August 1, 2014.

(Amends R.S. 9:1022 (intro para) and 1024(A))