

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 269 By Senator Peacock

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

DONATIONS. Provides for the annual limit on authorized donations that a curator may make on behalf of an interdict and for determining the amount necessary for the future needs and support of the interdict.. (8/1/14)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Adds provisions for determining if sufficient funds will be available for the future needs and support of an interdict over the his life.
2. Technical amendments

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

Peacock

SB No. 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).

Present law provides that the proposed donation not discriminate between descendants of the interdict, not materially impair the financial condition of the interdict, and are not likely to deprive him of sufficient funds to care for his future needs and support. Provides that to establish that the interdict will not be deprived of sufficient funds to provide for his future needs and support, the curator must satisfy the court, from the evidence, that the total fair market value of the interdict's estate, after subtracting the value of the proposed donations, is not less than a sum amounting \$50,000 multiplied by then number of years of life expectance remaining to the interdict at the time of the donation.

Proposed law retains these provisions but increases the amount to be multiplied by the number of life expectancy years from \$50,000 to \$65,000.

Effective August 1, 2014.

(Amends R.S. 9:1022 (intro. para.), 1022(5), and 1024(A))

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