

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 43 by Representative Townsend

1 AMENDMENT NO. 1

2 On page 1, line 2, after "R.S. 47:2401(B)" insert a comma "," and delete the remainder of
3 the line and delete line 3 in its entirety and insert the following:

4 "2410, 2426(A)(2), and 2451(A) and Code of Civil Procedure Article 2953(C)(1),
5 relative to the inheritance tax; to provide that no tax shall be due when"

6 AMENDMENT NO. 2

7 On page 1, line 7, after "R.S. 47:2401(B)" insert a comma "," and delete the remainder of
8 the line and insert the following:

9 "2410, 2426(A)(2), and 2451(A) are hereby amended and reenacted to read"

10 AMENDMENT NO. 3

11 On page 2, between lines 4 and 5, insert the following:

12 "§2410. Optional procedure for small estates

13 A. In any case, where the succession does not exceed fifty thousand dollars,
14 the tax collector may in his discretion fix and collect the tax, upon an affidavit filed
15 by the succession representative, heirs, or legatees, showing the amount thereof in
16 a manner satisfactory to the tax collector; and upon the payment of these taxes, or
17 a certificate that none are due, and a certificate from the tax collector or his attorney
18 that the affidavit together with an inheritance tax return, when required, has been
19 filed with the collector of revenue, the parties entitled thereto may take possession
20 free from the prohibitions or penalties of this Part.

21 B. The provisions of this Section shall not apply to deaths occurring after
22 June 30, 2004.

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32 (b) With respect to a revocable inter vivos trust, the filing of an inheritance
33 tax return or any other related succession documentation with the secretary of the
34 Department of Revenue shall not be required if a trust declaration is signed and filed
35 by the surviving settlor, trustee, or beneficiary with the secretary of the Department
36 of Revenue no later than the last day of the ninth month following the death of the

1 decedent. The trust declaration to be filed with the secretary of the Department of
2 Revenue shall include all of the following:

3 (i) The name, address, and social security number of the decedent.

4 (ii) The name and taxpayer identification number of the trust, if any.

5 (iii) The name and address of the declarant and his relationship to the trust.

6 (iv) The date of death of the deceased.

7 (v) A statement by the declarant that the succession has not been judicially opened.

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9 AMENDMENT NO. 4

10 On page 2, line 21, change "June 30, 2008" to "December 31, 2008"