
HOUSE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by House Committee on Civil Law and Procedure to Original House
Concurrent Resolution No. 52 by Representative Foil

1 AMENDMENT NO. 1**2** On page 1, between lines 7 and 8, insert the following:

3 "WHEREAS, in 2014, the United States Supreme Court in the matter of
4 *Clark v. Rameker* held, by drawing distinction between an individual's retirement
5 fund and an inherited retirement fund, that funds held in an inherited IRA are not
6 "retirement funds" within the meaning of the bankruptcy estate exemption provided
7 by 11 U.S.C. §522(b)(3)(C); and

8 WHEREAS, Louisiana is an "opt out" state under the United States Bankruptcy Code
9 and bankruptcy debtors in Louisiana may therefore take advantage of the exemptions
10 provided by both state and federal law; and"

11 AMENDMENT NO. 2

12 On page 1, line 13, change the semicolon ";" to a period "." and delete the remainder of the
13 line

14 AMENDMENT NO. 3

15 On page 1, delete lines 14 through 21 in their entirety and insert the following:

16 "THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does
17 hereby authorize and direct the Louisiana State Law Institute to study whether
18 inherited retirement funds and other inherited "tax-deferred arrangements" should
19 be generally exempt from seizure in Louisiana, and if so, to what extent.

20
21 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby
22 authorize and direct the Louisiana State Law Institute to propose any recommended
23 changes to R.S. 13:3881(D) to give effect to its findings.

24 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby
25 authorize and direct the Louisiana State Law Institute to include representatives of
26 the Louisiana Bankers Association in its study."