

SSB 6785 - S AMD 897

By Senator Rasmussen and T. Sheldon

ADOPTED 03/16/02

1 On page 3, after line 2, strike the remainder of the bill and
2 insert the following:

3 **"Sec. 2.** RCW 83.100.020 and 2002 c -- s 1 (this act) are each
4 amended to read as follows:

5 As used in this chapter:

6 (1) "Decedent" means a deceased individual;

7 (2) "Department" means the department of revenue, the director of
8 that department, or any employee of the department exercising authority
9 lawfully delegated to him by the director;

10 (3) "Federal credit" means: (a) For a transfer, the maximum amount
11 of the credit for state taxes allowed by section 2011 of the Internal
12 Revenue Code(~~(, as amended or renumbered as of January 1, 2001:~~
13 ~~PROVIDED, That the federal credit shall not exceed the amount of the~~
14 ~~tax imposed by section 2001 of the Internal Revenue Code, as amended or~~
15 ~~renumbered as of January 1, 2002, reduced by the amount of the unified~~
16 ~~credit provided by section 2010 of the Internal Revenue Code, as~~
17 ~~amended or renumbered as of January 1, 2002, and if no such tax is so~~
18 ~~imposed, the federal credit shall be zero)); and (b) for a generation-
19 skipping transfer, the maximum amount of the credit for state taxes
20 allowed by section 2604 of the Internal Revenue Code;~~

21 (4) "Federal return" means any tax return required by chapter 11 or
22 13 of the Internal Revenue Code;

23 (5) "Federal tax" means (a) for a transfer, a tax under chapter 11
24 of the Internal Revenue Code; and (b) for a generation-skipping
25 transfer, the tax under chapter 13 of the Internal Revenue Code;

26 (6) "Generation-skipping transfer" means a "generation-skipping
27 transfer" as defined and used in section 2611 of the Internal Revenue
28 Code;

29 (7) "Gross estate" means "gross estate" as defined and used in
30 section 2031 of the Internal Revenue Code;

31 (8) "Nonresident" means a decedent who was domiciled outside
32 Washington at his death;

1 (9) "Person" means any individual, estate, trust, receiver,
2 cooperative association, club, corporation, company, firm, partnership,
3 joint venture, syndicate, or other entity and, to the extent permitted
4 by law, any federal, state, or other governmental unit or subdivision
5 or agency, department, or instrumentality thereof;

6 (10) "Person required to file the federal return" means any person
7 required to file a return required by chapter 11 or 13 of the Internal
8 Revenue Code, such as the personal representative of an estate; or a
9 transferor, trustee, or beneficiary of a generation-skipping transfer;
10 or a qualified heir with respect to qualified real property, as defined
11 and used in section 2032A(c) of the Internal Revenue Code;

12 (11) "Property" means (a) for a transfer, property included in the
13 gross estate; and (b) for a generation-skipping transfer, all real and
14 personal property subject to the federal tax;

15 (12) "Resident" means a decedent who was domiciled in Washington at
16 time of death;

17 (13) "Transfer" means "transfer" as used in section 2001 of the
18 Internal Revenue Code, or a disposition or cessation of qualified use
19 as defined and used in section 2032A(c) of the Internal Revenue Code;

20 (14) "Trust" means "trust" under Washington law and any arrangement
21 described in section 2652 of the Internal Revenue Code; and

22 (15) "Internal Revenue Code" means, for the purposes of this
23 chapter and RCW 83.110.010, the United States Internal Revenue Code of
24 1986, as amended or renumbered as of January 1, (~~2002, except as~~
25 ~~otherwise provided in this chapter~~) 2001.

26 NEW SECTION. **Sec.**

27 **3.** Section 1 of this act applies to decedents dying on or after
28 January 1, 2002. Section 2 of this act applies to decedents dying
29 on or after July 1, 2003.

30 NEW SECTION. **Sec.**

31 **4.** Section 1 of this act is necessary for the immediate preservation
32 of the public peace, health, or safety, or support of the state
33 government and its existing public institutions, and takes effect
34 immediately and applies retroactively to January 1, 2002. Section
35 2 of this act takes effect July 1, 2003."

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EFFECT: Expires the act July 1, 2003.