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**SUBSTITUTE HOUSE BILL 1061**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** House Committee on Judiciary (originally sponsored by Representatives Ludwig, Padden, R. Meyers, Ferguson, Miller, Orr, Kremen, Winsley and Sheldon).

Read first time January 29, 1991.

1            AN ACT Relating to deductibility of funeral expenses and costs of  
2 administration; and adding a new section to chapter 11.76 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 11.76 RCW  
5 to read as follows:

6            Funeral expenses and costs of administration shall be deemed debts  
7 payable out of the estate of the deceased spouse, and shall not be  
8 charged to the community share of a surviving spouse, whether or not  
9 the surviving spouse is financially able to pay such expenses and  
10 whether or not the surviving spouse or any other person is also liable  
11 therefor: PROVIDED, That this section does not render unenforceable  
12 any contract for payment of funeral expenses or costs of  
13 administration: PROVIDED FURTHER, That any person who pays reasonable  
14 funeral expenses on behalf of the estate shall be reimbursed by the  
15 estate upon providing proof of payment: PROVIDED FURTHER, That this

1 section does not limit or impair in any way the right of the department  
2 of social and health services to take into consideration and have  
3 access to the use of the assets of a surviving spouse or minor children  
4 of a deceased person or the parent or parents of a deceased minor child  
5 in determining whether or not the department will assume responsibility  
6 for the funeral and burial expenses of deceased persons pursuant to RCW  
7 74.08.120.