

HOUSE BILL REPORT

SHB 1061

*As Passed House
January 28, 1992*

Title: An act relating to deductibility of funeral expenses and costs of administration.

Brief Description: Making funeral expenses and cost of administration fully deductible from the decedent's estate.

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

Brief History:

Reported by House Committee on:
Judiciary, January 29, 1991, DPS;
Passed House February 20, 1991, 98-0;
Passed House January 28, 1992, 95-0.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *That Substitute House Bill No. 1061 be substituted therefore, and the substitute bill do pass.* Signed by 15 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Broback; Forner; Hargrove; Inslee; R. Meyers; Mielke; Riley; Scott; Tate; Vance; and Wineberry.

Staff: Bill Perry (786-7123).

Background: When one spouse of a marriage dies, the funeral expenses and costs of administering the deceased spouse's estate become community debts. As community debts, these costs are payable one-half out of each community property share. That is, one-half of the debt is owed by the estate of the deceased, and one-half of the debt is owed by the surviving spouse. The federal tax code limits estate tax deductions for funeral expenses and the costs of administration to those debts charged to the estate.

Summary of Bill: When a spouse dies, the associated funeral and estate administration costs are debts payable out of the estate. These costs may not be charged to the community

share of the surviving spouse regardless of the surviving spouse's ability to pay the costs and regardless of the liability of the surviving spouse or anyone else for the debt. Contracts for payment of funeral expenses are not affected, but any person paying reasonable expenses may be reimbursed by the estate. Determinations by the department regarding state payment for funeral expenses are not affected by this act.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The act will allow Washington surviving spouses to take fuller advantage of federal tax laws.

Testimony Against: None.

Witnesses: Mike Carrico, Washington State Bar Association (in favor of bill).