

SENATE BILL REPORT

SB 5198

As Passed Senate, March 9, 1999

Title: An act relating to updating the probate and trust law to comport with Internal Revenue Code language.

Brief Description: Comporting with Internal Revenue Code language.

Sponsors: Senators Johnson and Kline.

Brief History:

Committee Activity: Judiciary: 1/29/99, 2/8/99 [DP].
Passed Senate, 3/9/99, 48-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Heavey, Chair; Kline, Vice Chair; McCaslin, Costa, Haugen, Johnson, Roach and Thibaudeau.

Staff: Penny Nerup (786-7484)

Background: The term "unified credit" appears only once in the Revised Code of Washington and is not defined. The current statute refers to "unified credit under section 2010 of the Internal Revenue Code." However, the term "unified credit" is only used in the title of Internal Revenue Code Section 2010 and is neither defined or used in the text of the estate tax provisions of the code.

The Estate and Gift Tax Section of the Washington State Bar suggests that the word "unified" be deleted from the statute to harmonize state law with the federal tax code and to avoid possible confusion should litigation arise under this section. Deletion of the word "unified" would have an effect only on future wills and would not affect existing wills.

Summary of Bill: The word "unified" is deleted from the term "unified credit" as that term is used in the marital deduction survivorship requirements section of the law.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill is supported by the Washington State Bar Association.

Testimony Against: None.

Testified: PRO: Alan Montgomery, Chair, Estate and Gift Tax Section, Washington State Bar Association.