
HOUSE BILL 2986

State of Washington 58th Legislature 2004 Regular Session

By Representatives Roach, Talcott, Rodne, Shabro, Schoesler, Nixon, Campbell, Woods and Anderson

Read first time 01/26/2004. Referred to Committee on Finance.

1 AN ACT Relating to eliminating Washington estate tax on estates
2 below the federal estate tax liability filing threshold; amending RCW
3 83.100.020; creating a new section; and declaring an emergency.

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

5 **Sec. 1.** RCW 83.100.020 and 2001 c 320 s 15 are each amended to
6 read as follows:

7 As used in this chapter:

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

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

12 (3) "Federal credit" means: (a) For a transfer, the maximum amount
13 of the credit for state taxes allowed by section 2011 of the Internal
14 Revenue Code, as amended or renumbered as of January 1, 2002. However,
15 the federal credit shall not exceed the amount of the tax imposed by
16 section 2001 of the Internal Revenue Code, as amended or renumbered as
17 of January 1, 2003, reduced by the amount of the unified credit
18 provided by section 2010 of the Internal Revenue Code, as amended or
19 renumbered as of January 1, 2003, and if no tax is imposed, the federal

1 credit is zero; and (b) for a generation-skipping transfer, the maximum
2 amount of the credit for state taxes allowed by section 2604 of the
3 Internal Revenue Code;

4 (4) "Federal return" means any tax return required by chapter 11 or
5 13 of the Internal Revenue Code;

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

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

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

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

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

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

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

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

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

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

37 (15) "Internal Revenue Code" means, for the purposes of this

1 chapter and RCW 83.110.010, the United States Internal Revenue Code of
2 1986, as amended or renumbered as of January 1, (~~2001~~) 2004, except
3 as otherwise provided in this chapter.

4 NEW SECTION. **Sec. 2.** This act applies to decedents dying on or
5 after January 1, 2004.

6 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and takes effect
9 immediately and applies retroactively to January 1, 2004.

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