

Non Judiciary 2/11 Do pass 2/28 (p.1103)

Senate File 52 *2/18*
Judiciary and
Law Enforcement
Nielsen, chair
Shimanek
Pelton

FILED JAN 31 1977

SENATE FILE 52

BY COMMITTEE ON JUDICIARY
(Pass 1/31 (p.252))

Passed Senate, Date 2-7-77 (302) Passed House, Date 4-7-77 (p.1293)

Vote: Ayes 46 Nays 0 Vote: Ayes 88 Nays 0

Approved April 21, 1977

A BILL FOR

1 An Act relating to the inventory and reports to be made by
2 the personal representative as required by the pro-
3 visions of the probate code.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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Certification of Publication 5/16 (p.2286)

1 Section 1. Section six hundred thirty-three point three
2 hundred sixty-one (633.361), Code 1977, is amended by striking
3 subsection fourteen (14) and inserting in lieu thereof the
4 following:

5 14. In estates of decedents dying on or after January
6 1, 1977, a statement as to whether or not there is any prop-
7 erty not therein inventoried required to be reported for
8 federal estate and gift tax purposes, and specifically,

9 a. The amount of gifts made after September 8, 1976, and
10 prior to January 1, 1977, and the amount of specific gift
11 tax exemption taken; and

12 b. The amount of gifts exceeding three thousand dollars
13 per donee made after December 31, 1976, and more than three
14 years prior to the date of death, and the amount of unified
15 credit claimed; and

16 c. The amount of gifts made within the three years prior
17 to the date of death and the amount of unified credit claimed.

18 Sec. 2. Section six hundred thirty-three point four hun-
19 dred seventy-seven (633.477), subsection ten (10), Code 1977,
20 is amended to read as follows:

21 10. A statement as to whether or not all statutory re-
22 quirements pertaining to taxes have been complied with and
23 a statement as to whether the federal estate tax due has been
24 paid and whether a lien continues to exist for any deferred
25 federal estate tax.

26 Sec. 3. This Act, being deemed of immediate importance,
27 shall take effect and be in force from and after its publica-
28 tion in the Quad-City Times, a newspaper published in
29 Davenport, Iowa, and in the Fort Dodge Messenger, a newspaper
30 published in Fort Dodge, Iowa.

31 EXPLANATION

32 This bill is intended to alert the personal representative
33 to the fact that there are recent changes in the federal
34 estate and gift tax laws which may effect the contents of
35 the original and final reports to be filed as required by

1 the Iowa Probate Code.

2 Section 1 requires that property not inventoried is to
3 be listed if it has to be reported for federal estate and
4 gift tax purposes. This is advisable because the 1976 Fed-
5 eral Tax Reform Act combines the estate and gift taxes and
6 provides for a unified credit. There is a deduction from
7 the credit allowed against the estate tax liability for any
8 gift tax exemption claimed after September 8, 1976 and prior
9 to January 1, 1977 and a deduction from the credit for the
10 amount of the unified credit claimed on gifts made after
11 December 31, 1976. The section applies only to estates of
12 persons who die on or after January 1, 1977.

13 Section 2 requires the personal representative to state
14 if there is a lien existing from any deferred federal es-
15 tate tax. This is advisable because the Reform Act provides
16 for an alternative method of evaluating real estate used for
17 a farm or small business. If this method is used then a de-
18 ferred estate tax exists.

19 The bill has a publication clause providing for an immediate
20 effective date.

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LSB 390S
lb/rh/8A

SENATE FILE 52

AN ACT

RELATING TO THE INVENTORY AND REPORTS TO BE MADE BY THE PERSONAL REPRESENTATIVE AS REQUIRED BY THE PROVISIONS OF THE PROBATE CODE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section six hundred thirty-three point three hundred sixty-one (633.361), Code 1977, is amended by striking subsection fourteen (14) and inserting in lieu thereof the following:

14. In estates of decedents dying on or after January 1, 1977, a statement as to whether or not there is any property not therein inventoried required to be reported for federal estate and gift tax purposes, and specifically,

a. The amount of gifts made after September 8, 1976, and prior to January 1, 1977, and the amount of specific gift tax exemption taken; and

b. The amount of gifts exceeding three thousand dollars per donee made after December 31, 1976, and more than three years prior to the date of death, and the amount of unified credit claimed; and

c. The amount of gifts made within the three years prior to the date of death and the amount of unified credit claimed.

Sec. 2. Section six hundred thirty-three point four hundred seventy-seven (633.477), subsection ten (10), Code 1977, is amended to read as follows:

10. A statement as to whether or not all statutory requirements pertaining to taxes have been complied with and a statement as to whether the federal estate tax due has been paid and whether a lien continues to exist for any deferred federal estate tax.

Sec. 3. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Quad-City Times, a newspaper published in Davenport, Iowa, and in the Fort Dodge Messenger, a newspaper published in Fort Dodge, Iowa.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 52, Sixty-seventh General Assembly.

STEVEN C. CROSS
Secretary of the Senate

Approved *April 21*, 1977

ROBERT D. RAY
Governor