

Reprinted 2/25

FEB 12 1982

HOUSE FILE 2349

Place On Calendar

BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

(Formerly Study Bill 555)

Passed House, Date 2-23-82 (p 501) Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 93 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

- 1 An Act relating to the definition of adjusted gross estate.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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HOUSE FILE 2349

H-5153

- 1 Amend House File 2349 as follows:
- 2 1. Page 1, by striking lines 3 through 11 and
- 3 inserting in lieu thereof the following:
- 4 "NEW SECTION. ADJUSTED GROSS ESTATE. Unless
- 5 otherwise defined, "adjusted gross estate" in a will
- 6 means the entire value of the gross estate as deter-
- 7 mined under the federal estate tax less the aggregate
- 8 amount of the deductions allowed by sections 2053
- 9 and 2054 of the Internal Revenue Code of 1954 as
- 10 amended to and including January 1, 1982."
- 11 2. Page 1, by striking lines 14 through 19 and
- 12 inserting in lieu thereof the following:
- 13 "NEW SECTION. ADJUSTED GROSS ESTATE DEFINED.
- 14 Unless otherwise defined, "adjusted gross estate"
- 15 in an express trust not being administered in the
- 16 probate court means the entire value of the gross
- 17 estate as determined under the federal estate tax
- 18 less the aggregate amount of the deductions allowed
- 19 by sections 2053 and 2054 of the Internal Revenue
- 20 Code of 1954 as amended to and including January 1,
- 21 1982."

H-5153 FILED

BY POFFENBERGER of Dallas

FEBRUARY 16, 1982

*Adopted 2/23 (p 511)*

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1 Section 1. Chapter 633, Code 1981, is amended by adding  
2 the following new section in division VI, part 1:

3 NEW SECTION. DEFINITION OF ADJUSTED GROSS ESTATE. Whenever  
4 it is necessary to ascertain the "adjusted gross estate" of  
5 a decedent and such term is not otherwise defined, the  
6 decedent's adjusted gross estate shall be computed by  
7 subtracting from the entire value of the gross estate of such  
8 decedent, as determined for purposes of federal estate tax,  
9 the aggregate amount of deductions allowed to such decedent's  
10 estate by sections 2053 and 2054 of the Internal Revenue Code  
11 of 1954 as amended up to and including January 1, 1982.

12 Sec. 2. Chapter 682, Code 1981, is amended by adding the  
13 following new section:

14 NEW SECTION. DEFINITION OF ADJUSTED GROSS ESTATE. Whenever  
15 construing express trust not being administered in the probate  
16 court it is necessary to ascertain the "adjusted gross estate"  
17 of a decedent and such term is not defined in the trust, the  
18 term shall have the same meaning as set forth in section 1  
19 of this Act.

20 EXPLANATION

21 The term "adjusted gross estate" is used in wills and  
22 trusts and in prior law was defined in the Internal Revenue  
23 Code. However the Economic Recovery Tax Act of 1981 struck  
24 the definition from the Internal Revenue Code. This bill  
25 defines the term in substantially the same manner as previously  
26 defined in the Internal Revenue Code except that no reference  
27 is made to community property. Iowa is not a community  
28 property state. The bill takes effect July 1 following its  
29 enactment.

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HOUSE FILE 2349

BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

(As Amended and Passed by the House)  
*Substituted for S.F. 2150*

Passed House, Date 2-23-82 (p 501) Passed Senate, Date 3-4-82 (p 588)

Vote: Ayes 93 Nays 0 Vote: Ayes 44 Nays 0

Approved March 26, 1982 (p 1080)

## A BILL FOR

1 An Act relating to the definition of adjusted gross estate.

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

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House Amendments \_\_\_\_\_

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1 Section 1. Chapter 633, Code 1981, is amended by adding  
2 the following new section in division VI, part 1:

3 NEW SECTION. ADJUSTED GROSS ESTATE. Unless otherwise  
4 defined, "adjusted gross estate" in a will means the entire  
5 value of the gross estate as determined under the federal  
6 estate tax less the aggregate amount of the deductions allowed  
7 by sections 2053 and 2054 of the Internal Revenue Code of  
8 1954 as amended to and including January 1, 1982.

9 Sec. 2. Chapter 682, Code 1981, is amended by adding the  
10 following new section:

11 NEW SECTION. ADJUSTED GROSS ESTATE DEFINED. Unless  
12 otherwise defined, "adjusted gross estate" in an express trust  
13 not being administered in the probate court means the entire  
14 value of the gross estate as determined under the federal  
15 estate tax less the aggregate amount of the deductions allowed  
16 by sections 2053 and 2054 of the Internal Revenue Code of  
17 1954 as amended to and including January 1, 1982.

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estate tax less the aggregate amount of the deductions allowed by sections 2053 and 2054 of the Internal Revenue Code of 1954 as amended to and including January 1, 1982.

HOUSE FILE 2349

AN ACT

RELATING TO THE DEFINITION OF ADJUSTED GROSS ESTATE.

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

Section 1. Chapter 633, Code 1981, is amended by adding the following new section in division VI, part 1:

NEW SECTION. ADJUSTED GROSS ESTATE. Unless otherwise defined, "adjusted gross estate" in a will means the entire value of the gross estate as determined under the federal estate tax less the aggregate amount of the deductions allowed by sections 2053 and 2054 of the Internal Revenue Code of 1954 as amended to and including January 1, 1982.

Sec. 2. Chapter 682, Code 1981, is amended by adding the following new section:

NEW SECTION. ADJUSTED GROSS ESTATE DEFINED. Unless otherwise defined, "adjusted gross estate" in an express trust not being administered in the probate court means the entire value of the gross estate as determined under the federal

\_\_\_\_\_  
DREWYN STROMER  
Speaker of the House

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TERRY E. BRANSTAD  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2349, Sixty-ninth General Assembly.

\_\_\_\_\_  
ELIZABETH A. ISAACSON  
Chief Clerk of the House

Approved March 26, 1982

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ROBERT D. RAY  
Governor

H.F. 2349