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**HOUSE BILL NO. 516**

Offered January 11, 2006

Prefiled January 9, 2006

*A BILL to amend and reenact § 58.1-901 of the Code of Virginia, and to repeal Chapter 9 (§§ 58.1-900 through 58.1-938) of Title 58.1 of the Code of Virginia, relating to estate tax.*

Patron—Armstrong

Referred to Committee on Finance

**Be it enacted by the General Assembly of Virginia:****1. That § 58.1-901 of the Code of Virginia is amended and reenacted as follows:**

§ 58.1-901. Definitions.

As used in this chapter, unless the context clearly shows otherwise, the term or phrase:

"Decedent" means a deceased person.

"Federal credit" means the maximum amount of the credit for state death taxes allowable by § 2011 of the United States Internal Revenue Code of 1954, as amended or renumbered, or successor provision, in respect to a decedent's taxable estate. The term "maximum amount" shall be construed as to take full advantage of such credit as the laws of the United States may allow. In no event, however, shall such amount be less than: (i) 100% of the federal credit allowable by § 2011 of the Internal Revenue Code as it existed on January 1, 1978, as to the estates of persons dying prior to January 1, 2006; (ii) 75% of the federal credit allowable by § 2011 of the Internal Revenue Code as it existed on January 1, 1978, as to the estates of persons dying on or after January 1, 2006, but prior to January 1, 2007; (iii) 50% of the federal credit allowable by § 2011 of the Internal Revenue Code as it existed on January 1, 1978, as to the estates of persons dying on or after January 1, 2007, but prior to January 1, 2008; (iv) 25% of the federal credit allowable by § 2011 of the Internal Revenue Code as it existed on January 1, 1978, as to the estates of persons dying on or after January 1, 2008, but prior to January 1, 2009.

"Gross estate" means "gross estate" as defined in § 2031 of the United States Internal Revenue Code of 1954, as amended or renumbered, or the successor provision of the laws of the United States.

"Nonresident" means a decedent who was domiciled outside of the Commonwealth of Virginia at his death.

"Personal representative" means the personal representative of the estate of the decedent, appointed, qualified and acting within the Commonwealth, or, if there is no personal representative appointed, qualified and acting within the Commonwealth, then any person in actual or constructive possession of the Virginia gross estate of the decedent.

"Resident" means a decedent who was domiciled in the Commonwealth of Virginia at his death.

"State" means any state, territory or possession of the United States and the District of Columbia.

"Taxable estate" means "taxable estate" as defined in § 2051 of the United States Internal Revenue Code of 1954, as amended or renumbered, or the successor provision of the laws of the United States.

"Value" means "value" as finally determined for federal estate tax purposes under the laws of the United States relating to federal estate taxes.

Any reference in this chapter to the laws of the United States relating to federal estate and gift taxes means the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal estate and gift taxes, as the same may be or become effective at any time or from time to time.

**2. That Chapter 9 (§§ 58.1-900 through 58.1-938) of Title 58.1 of the Code of Virginia is repealed effective January 1, 2009.**

INTRODUCED

HB516