

to the code, chapters, and regulations in effect on the effective date of this act.

Sec. 2. Section 106, chapter 30, Laws of 1985 as amended by section 27, chapter 64, Laws of 1988 and RCW 11.108.010 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) The term "pecuniary bequest" means a gift in a governing instrument which either is expressly stated as a fixed dollar amount or is a gift of a dollar amount determinable by the governing instrument, and a gift expressed in terms of a "sum" or an "amount," unless the context dictates otherwise, is a gift of a dollar amount.

(2) The term "marital deduction" means the federal estate tax deduction allowed for transfers under section 2056 of the internal revenue code.

(3) The term "maximum marital deduction" means the maximum amount qualifying for the marital deduction.

(4) The term "marital deduction gift" means a gift intended to qualify for the marital deduction.

(5) The term "governing instrument" includes a will and codicils, irrevocable, and revocable trusts.

(6) "Fiduciary" means trustee or personal representative. Reference to a fiduciary in the singular includes the plural where the context requires.

(7) References to the "internal revenue code" are to the United States internal revenue code of 1986, as ~~((it is amended from time to time. Each reference to a section of the internal revenue code refers as well to any subsequent provisions of law enacted in its place))~~ in effect on the effective date of this act.

(8) The term "gift" refers to all legacies, devises, and bequests made in a governing instrument.

Passed the Senate February 7, 1990.

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CHAPTER 225

[Senate Bill No. 6394]

ESCHEAT PROPERTY AND SMALL ESTATES

AN ACT Relating to escheat property and small estates; amending RCW 11.08.170 and 11.08.111; and adding a new section to chapter 11.08 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 11.08.170, chapter 145, Laws of 1965 as amended by section 2, chapter 278, Laws of 1975 1st ex. sess. and RCW 11.08.170 are each amended to read as follows:

Escheat property may be probated under the provisions of the probate laws of this state. Whenever such probate proceedings are instituted, whether by special administration or otherwise, the petitioner shall promptly notify the department of revenue in writing thereof on forms furnished by the department of revenue to the county clerks. Thereafter, the department of revenue shall be served with written notice at least twenty days prior to any hearing on proceedings involving the valuation or sale of property, on any petition for the allowance of fees, and on all interim reports, final accounts or petitions for the determination of heirship. Like notice shall be given of the presentation of any claims to the court for allowance. Failure to furnish such notice shall be deemed jurisdictional and any order of the court entered without such notice shall be void(~~(:PROVIDED, That)~~). The department of revenue may waive the provisions of this section in its discretion. The department shall be deemed to have waived its right to administer in such probate proceedings under RCW 11.28.120(3) unless application for appointment of the director or the director's designee is made within forty days immediately following receipt of notice of institution of proceedings.

Sec. 2. Section 11.08.111, chapter 145, Laws of 1965 as amended by section 1, chapter 76, Laws of 1973 1st ex. sess. and RCW 11.08.111 are each amended to read as follows:

Prior to the expiration of the two-year period provided for in RCW 11.08.101, the superintendent may transfer such money or property in his possession, upon request and satisfactory proof submitted to him, to the following designated persons:

(1) To the personal representative of the estate of such deceased in-mate; or

(2) To the ~~((next of kin of the decedent))~~ successor or successors defined in RCW 11.62.005, where such money and property does not exceed the ~~((value of one thousand dollars))~~ amount specified in RCW 6.13.030, and the ~~((person or persons requesting same))~~ successor or successors shall have furnished ((an affidavit as to his or her being next of kin)) proof of death and an affidavit made by said successor or successors meeting the requirements of RCW 11.62.010; or

(3) In the case of money, to the person who may have deposited such money with the superintendent for the use of the decedent, where the sum involved does not exceed one thousand dollars; or

(4) To the department of social and health services, when there are moneys due and owing from such deceased person's estate for the cost of his care and maintenance at a state institution: **PROVIDED**, That transfer of such money or property may be made to the person first qualifying under

this section and such transfer shall exonerate the superintendent from further responsibility relative to such money or property: AND PROVIDED FURTHER, That upon satisfactory showing the funeral expenses of such decedent are unpaid, the superintendent may pay up to one thousand dollars from said deceased inmate's funds on said obligation.

NEW SECTION. Sec. 3. A new section is added to chapter 11.08 RCW to read as follows:

Escheat property may be transferred to the department of revenue under the provisions of RCW 11.62.005 through 11.62.020. The department of revenue shall furnish proof of death and an affidavit made by the department which meets the requirements of RCW 11.62.010 to any person who is indebted to or has possession of any personal property belonging to the decedent or to the decedent and his or her surviving spouse as a community, which debt or personal property is an asset which is subject to probate. Upon receipt of such proof of death and affidavit, the person shall pay the indebtedness or deliver the personal property, or as much of either as is claimed, to the department of revenue pursuant to RCW 11.62.010.

The department of revenue shall file a copy of its affidavit made pursuant to chapter 11.62 RCW with the clerk of the court where any probate administration of the decedent has been commenced, or, if no probate administration has been commenced, then with the clerk of the court of any county provided by law as a place for probate administration of the estate of such person. The affidavit shall be indexed under the name of the decedent in the probate index upon payment of a fee of two dollars. Any claimant to escheated funds shall have seven years from the filing of the affidavit by the department of revenue within which to file the claim. The claim shall be filed with the clerk of the court where the affidavit of the department of revenue was filed, and a copy served upon the department of revenue, together with twenty days notice of a hearing to be held thereon, and the provisions of RCW 11.08.250 through 11.08.280 shall apply.

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CHAPTER 226

[Substitute Senate Bill No. 6195]

DOGS AND CATS—USE AS TRAINING BAIT PROHIBITED

AN ACT Relating to animals; adding a new section to chapter 16.52 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington: