

HOUSE BILL 982

Unofficial Copy  
Q7

1999 Regular Session  
9lr2208  
CF 9lr0446

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By: **Delegates Patterson, Baldwin, Bartlett, Benson, Branch, C. Davis,  
Donoghue, Finifter, Fulton, Greenip, Hill, Kach, La Vay, Linton, Love,  
Marriott, McKee, Mitchell, Oaks, Ports, Phillips, Rosso, Rzepkowski,  
Shank, Snodgrass, Stull, Valderrama, Walkup, Wood, and J. Kelly**

Introduced and read first time: February 12, 1999

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Inheritance Tax - Repeal**

3 FOR the purpose of repealing the inheritance tax for decedents dying on or after a  
4 certain date; altering the calculation of the Maryland estate tax; providing for  
5 the administration of estates and certain taxes with respect to decedents dying  
6 before certain dates; altering certain bond requirements to be executed by a  
7 personal representative of a decedent's estate; providing for the application of  
8 this Act; and generally relating to the repeal of the inheritance tax.

9 BY repealing

10 Article - Estates and Trusts  
11 Section 2-206(n), 5-505, and 7-307  
12 Annotated Code of Maryland  
13 (1991 Replacement Volume and 1998 Supplement)

14 BY repealing

15 Article - Tax - General  
16 Section 1-101(j); 2-701 and 2-702 and the subtitle "Subtitle 7. Inheritance Tax  
17 Revenue Distribution"; 7-201 through 7-225, inclusive, 7-231(a) through  
18 (d), inclusive, 7-232 through 7-234, inclusive, and the subtitle "Subtitle 2.  
19 Inheritance Tax"; 13-511; 13-845 and the part "Part VII. Sale of Estate  
20 Property"; and 13-906  
21 Annotated Code of Maryland  
22 (1997 Replacement Volume and 1998 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article - Business Regulation  
25 Section 5-503(b) and (c)  
26 Annotated Code of Maryland  
27 (1998 Replacement Volume)

- 1 BY repealing and reenacting, with amendments,  
2 Article - Estates and Trusts  
3 Section 5-206, 5-504, 5-709, 6-102(b) and (h)(2), 12-103, 14-201(2), and  
4 15-309  
5 Annotated Code of Maryland  
6 (1991 Replacement Volume and 1998 Supplement)
- 7 BY repealing and reenacting, with amendments,  
8 Article - Tax - General  
9 Section 7-104, 7-118, 7-304, 7-305, 7-306, 13-101(c)(2), 13-302(b), 13-510(a),  
10 13-601, 13-603, 13-701, 13-805, 13-806, 13-901(d), and 13-1104(d)  
11 Annotated Code of Maryland  
12 (1997 Replacement Volume and 1998 Supplement)
- 13 BY repealing and reenacting, with amendments, and transferring  
14 Article - Tax - General  
15 Section 7-228 and 7-231(e)  
16 Annotated Code of Maryland  
17 (1997 Replacement Volume and 1998 Supplement)  
18 to be  
19 Article - Estates and Trusts  
20 Section 2-213  
21 Annotated Code of Maryland  
22 (1991 Replacement Volume and 1998 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That Section(s) 2-206(n), 5-505, and 7-307 of Article - Estates and  
25 Trusts of the Annotated Code of Maryland be repealed.

26 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 1-101(j); 2-701  
27 and 2-702 and the subtitle "Subtitle 7. Inheritance Tax Revenue Distribution"; 7-201  
28 through 7-225, inclusive, 7-231(a) through (d), inclusive, 7-232 through 7-234,  
29 inclusive, and the subtitle "Subtitle 2. Inheritance Tax"; 13-511; 13-845 and the part  
30 "Part VII. Sale of Estate Property"; and 13-906 of Article - Tax - General of the  
31 Annotated Code of Maryland be repealed.

32 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
33 read as follows:

34 **Article - Business Regulation**

35 5-503.

36 (b) The interest of an owner of a burial lot or crypt that is held for the burial  
37 of the owner or others and not held as an investment is not:

- 1 (1) considered property;
- 2 (2) subject to attachment or execution for debt;
- 3 (3) subject to the insolvency laws of the State; OR
- 4 (4) to be inventoried in the estate of the owner[; or
- 5 (5) subject to inheritance taxes].

6 (c) The interest of an owner of a burial lot or crypt that is held as an  
7 investment and not held for the burial of the owner or others is:

- 8 (1) considered personal property;
- 9 (2) subject to attachment or execution for debt;
- 10 (3) subject to the insolvency laws of the State; AND
- 11 (4) to be inventoried in the estate of the owner[; and
- 12 (5) subject to inheritance taxes].

13 **Article - Estates and Trusts**

14 5-206.

15 In a proceeding for administrative or judicial probate the petition for probate  
16 shall be in substantially the following form:

17 In the Orphans' Court for

18 (or) \_\_\_\_\_, Maryland

19 Before the Register of Wills for

20 in the Estate of:

21 \_\_\_\_\_ Estate No. \_\_\_\_\_

22 For: <input type="checkbox"/>	Regular Estate -	<input type="checkbox"/>	Small Estate	<input type="checkbox"/>	Will of No
23	Petition for probate,		Petition for Administration,		Estate -
24	estate value in		estate value of \$20,000	Complete Items	
25	excess of \$20,000.		or less. Complete and	2 and 5	
26	Complete and attach		attach Schedule - B.		
27	Schedule - A.				

28 The Petition of:



1 and the names and last known addresses of the witnesses are:

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

5 6. Other proceedings, if any, regarding the decedent or the estate are as follows:

6 \_\_\_\_\_

7 7. If any information required by paragraphs 2 through 6 has not been furnished,  
8 the reason is:

9 \_\_\_\_\_

10 8. If appointed, I accept the duties of the office of personal representative and  
11 consent to personal jurisdiction in any action brought in this State against me as  
12 personal representative or arising out of the duties of the office of personal  
13 representative.

14 WHEREFORE, I request appointment as personal representative of the  
15 decedent's estate and the following relief as indicated:

16  that the will and codicils, if any, be admitted to administrative probate;

17  that the will and codicils, if any, be admitted to judicial probate;

18  that the will and codicils, if any, be filed only;

19  that the following additional relief be granted: \_\_\_\_\_  
20 \_\_\_\_\_

21 I solemnly affirm under the penalties of perjury that the contents of the  
22 foregoing petition are true to the best of my knowledge, information, and belief.

23 \_\_\_\_\_

24 Attorney's Signature                      Petitioner      Date

25 \_\_\_\_\_

26 Address                                      Petitioner      Date

27 \_\_\_\_\_

28 Petitioner                                      Date

1 \_\_\_\_\_

2 Telephone Number Telephone Number

3 In the Orphans' Court for

4 (or) \_\_\_\_\_, Maryland

5 Before the Register of Wills for

6 in the Estate of:

7 \_\_\_\_\_ Estate No. \_\_\_\_\_

8 Schedule - A

9 REGULAR ESTATE

10 Estimated Value of Estate and Unsecured Debts:

11 Personal property (approximate value) \$ \_\_\_\_\_

12 Real property (approximate value) \$ \_\_\_\_\_

13 [Value of Property subject to:

14 (a) Direct Inheritance Tax of \_\_\_\_% \$ \_\_\_\_\_

15 (b) Collateral Inheritance Tax of \_\_\_\_% \$ \_\_\_\_\_

16 (c) Collateral Inheritance Tax of \_\_\_\_% \$ \_\_\_\_\_

17 ]

18 Unsecured Debts (approximate amount) \$ \_\_\_\_\_

19 -----

20 (FOR REGISTER'S USE)

21 Safekeeping Wills \_\_\_\_\_ Custody of Wills \_\_\_\_\_

22 Bond Set \$ \_\_\_\_\_ Deputy \_\_\_\_\_

23 In the Orphans' Court for

24 (or) \_\_\_\_\_, Maryland

25 Before the Register of Wills for

26 in the Estate of:

27 \_\_\_\_\_ Estate No. \_\_\_\_\_

Schedule - B

1

2 SMALL ESTATE

3 Assets and Debts of the Decedent:

4 1. I have made a diligent search to discover all property and debts of the decedent  
5 and set forth below are:

6 (a) A listing of all real and personal property owned by the decedent,  
7 individually or as tenant in common, and of any other property  
8 to which the decedent or estate would be entitled, including  
9 descriptions, values, and how the values were determined:

10 \_\_\_\_\_  
11 \_\_\_\_\_

12 (b) A listing of all creditors and claimants and the amounts claimed,  
13 including secured\*, contingent and disputed claims:

14 \_\_\_\_\_  
15 \_\_\_\_\_

16 2. Allowable funeral expenses are \$ \_\_\_\_\_; statutory family  
17 allowances are \$ \_\_\_\_\_; and expenses of administration are \$ \_\_\_\_\_.

18 3. Attached is a List of Interested Persons.

19 \*Note: § 5-601(c) of the Estates and Trusts Article, Annotated Code of Maryland "For  
20 the purpose of this subtitle - Value is determined by fair market value of property less  
21 debts of record secured by the property as of the date of death, to the extent that  
22 insurance benefits are not payable to the lien holder or secured party for the secured  
23 debt."

24 I solemnly affirm under the penalties of perjury that the contents of the  
25 foregoing schedule are true to the best of my knowledge, information, and belief.

26 \_\_\_\_\_

27 Attorney's Signature                      Petitioner              Date

28 \_\_\_\_\_

29 Address                                      Petitioner              Date

30 \_\_\_\_\_

31 Telephone Number                      Telephone Number

1 5-504.

2 (a) A foreign personal representative administering an estate which has  
3 property located in Maryland subject to THE JURISDICTION OF Maryland  
4 [inheritance taxes] shall file with the register of the county in which the foreign  
5 personal representative believes the largest part in value of the property is located, a  
6 copy of his appointment as personal representative and of the will of the decedent, if  
7 there is a will, authenticated pursuant to 28 U.S.C.A. § 1738, together with a verified  
8 [application which shall describe] STATEMENT THAT:

9 (1) DESCRIBES all the property owned by the estate in Maryland and  
10 known to the foreign personal representative[, and set];

11 (2) SETS forth the market value and the basis upon which that value has  
12 been determined[. The register shall proceed to fix the amount of the inheritance tax  
13 due and may require other evidence of value, or make an independent investigation,  
14 as he considers appropriate. The determination of the register is final, subject to  
15 appeal to the Maryland Tax Court.

16 (b) Upon payment of the tax, the register shall issue to the foreign personal  
17 representative a receipt for it.]; AND

18 (3) SETS FORTH THE PERSONS TO WHOM THE PROPERTY IS TO PASS AS A  
19 RESULT OF THE DECEDENT'S DEATH.

20 [(c)] (B) It is not necessary for the foreign personal representative to institute  
21 other proceedings before the register with respect to the assets subject to the  
22 jurisdiction of Maryland.

23 [(d)] (C) Nothing contained in this section shall relieve the foreign personal  
24 representative from the responsibility for paying the death taxes due the state.

25 5-709.

26 An estate under modified administration shall close not later than 13 months  
27 from the date of appointment, if a verified final report under modified administration  
28 is filed and all probate fees and [inheritance] DEATH taxes are paid.

29 6-102.

30 (b) [(1)] Even if a personal representative is excused from giving bond, [a  
31 bond shall be given in an amount which the register or the court considers sufficient  
32 to secure the payment of the debts and Maryland inheritance taxes payable by the  
33 personal representative. The bond shall be conditioned accordingly.

34 (2) Even if a bond is not required as a condition of the appointment of a  
35 personal representative,] the court may require a bond during the administration  
36 upon the petition of an interested person or creditor and for good cause shown.



1 (h) (2) If the giving of a bond is [excused or waived] REQUIRED BY THE  
2 COURT UPON THE PETITION OF A CREDITOR, the required [nominal] bond shall be  
3 substantially in the following form:

4 The condition of the above obligation is such, that if ..... shall, as personal  
5 representative of ..... late of ....., deceased, pay the debts due by the deceased  
6 [and the Maryland inheritance tax payable by the personal representative], then the  
7 above obligation shall be void; it is otherwise to be in full force and effect.

8 12-103.

9 Except as otherwise provided in this title[, the administration on or after July 1,  
10 1974 of estates of persons who died before July 1, 1974 shall be governed by those  
11 statutes in effect before July 1, 1974, and the administration on or after January 1,  
12 1970 of estates of persons who died before January 1, 1970 shall be governed by those  
13 statutes in effect before January 1, 1970.]:

14 (1) THOSE STATUTES IN EFFECT BEFORE JULY 1, 1999 SHALL GOVERN  
15 THE ADMINISTRATION ON AND AFTER JULY 1, 1999 OF ESTATES OF PERSONS WHO  
16 DIED BEFORE JULY 1, 1999;

17 (2) THOSE STATUTES IN EFFECT BEFORE JULY 1, 1974 SHALL GOVERN  
18 THE ADMINISTRATION ON AND AFTER JULY 1, 1974 OF THE ESTATES OF PERSONS  
19 WHO DIED BEFORE JULY 1, 1974; AND

20 (3) THOSE STATUTES IN EFFECT BEFORE JANUARY 1, 1970 SHALL  
21 GOVERN THE ADMINISTRATION ON AND AFTER JANUARY 1, 1970 OF ESTATES OF  
22 PERSONS WHO DIED BEFORE JANUARY 1, 1970.

23 14-201.

24 As used in this subtitle:

25 (2) "Inventory value" means the cost of property purchased by the  
26 trustee and the market value of other property at the time it became subject to the  
27 trust, decreased by the amount of any receipts, and increased by the amount of any  
28 disbursements, of principal cash in connection with such item of principal. In the case  
29 of assets subject to estate [or inheritance] tax the trustee may use as such market  
30 value any value finally determined for the purposes of such tax;

31 15-309.

32 This subtitle does not affect any obligation of a corporation or transfer agent  
33 with respect to estate, [inheritance, succession,] generation-skipping transfer, or  
34 other taxes imposed by the laws of this State.

1

**Article - Tax - General**

2 7-104.

3 When THE COMPTROLLER OR a register OF WILLS claims that a decedent was  
4 domiciled in this State at the time of death and the taxing authority of another state  
5 makes a similar claim on behalf of that state, then, with the approval of the Attorney  
6 General of this State, the Comptroller may make a written agreement with the other  
7 taxing authority and with the personal representative to submit the controversy to  
8 the decision of a board consisting of 1 or any other uneven number of arbitrators. The  
9 personal representative may make the agreement. The parties to the agreement shall  
10 select the arbitrator or arbitrators.

11 7-118.

12 When THE COMPTROLLER OR a register OF WILLS claims that a decedent was  
13 domiciled in this State at the time of death and the taxing authority of another state  
14 makes a similar claim on behalf of that state, then, with the approval of the Attorney  
15 General of this State, the Comptroller may make a written agreement of compromise  
16 with the other taxing authority and the personal representative that a certain sum  
17 shall be accepted in full satisfaction of all death taxes imposed by this State, including  
18 any interest or penalties to the date of filing the agreement. The agreement also shall  
19 determine the amount to be accepted by the other state in full satisfaction of death  
20 taxes. The personal representative may make the agreement.

21 7-304.

22 (a) In this section, "federal credit" means the maximum credit for death taxes  
23 paid to any state that is allowable under § 2011 of the Internal Revenue Code against  
24 the federal estate tax of a decedent as reduced by the proportion that the amount of  
25 the estate not included in the Maryland estate bears to the amount of the entire  
26 estate of the decedent.

27 (b) (1) Except as otherwise provided in this subsection, the Maryland estate  
28 tax is the amount[, if any, by which] OF the federal credit [exceeds the total of death  
29 taxes other than the Maryland estate tax that:

30 (i) are imposed by a state on property included in the Maryland  
31 estate;

32 (ii) are allowable in computing the federal credit; and

33 (iii) except as provided in § 13-906 of this article, have actually been  
34 paid out of the Maryland estate and received by the appropriate unit of this State].

35 (2) The Maryland estate tax may not exceed the amount whose timely  
36 payment in accordance with federal law would reduce the amount of the federal  
37 estate tax payable out of the Maryland estate had this subtitle not been enacted.

1 (c) The Maryland estate tax is not affected by a failure to take or preserve the  
2 federal credit.

3 7-305.

4 (a) The person responsible for filing the federal estate tax return shall  
5 complete, under oath, and file a Maryland estate tax return with the [register]  
6 COMPTROLLER 9 months after the date of the death of a decedent.

7 (b) If, after a person files a Maryland estate tax return for an estate, the  
8 federal estate tax on that estate is increased, the person shall file an amended  
9 Maryland estate tax return with the [register] COMPTROLLER when the person pays  
10 the additional federal tax.

11 7-306.

12 Except as provided in § 7-307 of this subtitle, the person responsible for filing  
13 the federal estate tax return shall pay the Maryland estate tax to the Comptroller  
14 when the Maryland estate tax return is filed [with the register].

15 13-101.

16 (c) (2) "Tax collector" includes:

17 (i) the Comptroller; AND

18 (ii) the Department, with respect to:

19 1. the financial institution franchise tax; and

20 2. the public service company franchise tax[; and

21 (iii) the registers of wills, with respect to the inheritance tax].

22 13-302.

23 (b) If a person fails to comply with a subpoena or fails to testify on any matter  
24 on which the person lawfully may be interrogated, on petition of a tax collector, a  
25 circuit court [or, if the subpoena is issued under authority of an orphans' court, the  
26 orphans' court] may pass an order directing compliance with the subpoena or  
27 compelling testimony.

28 13-510.

29 (a) Except as provided in subsection (b) of this section and subject to § 13-514  
30 of this subtitle, within 30 days after the date on which a notice is mailed, a person or  
31 governmental unit that is aggrieved by the action in the notice may appeal to the Tax  
32 Court from:

33 (1) a final assessment of tax, interest, or penalty under this article;

1 (2) a final determination on an application for revision or claim for  
2 refund under § 13-508 of this subtitle;

3 [(3) an inheritance tax determination by a register or by an orphans'  
4 court other than a circuit court sitting as an orphans' court;

5 (4)] (3) a denial of an alternative payment schedule for [inheritance tax  
6 or] Maryland estate tax;

7 [(5)] (4) a final determination on a claim for return of seized property  
8 under § 13-839 or § 13-840 of this title; or

9 [(6)] (5) a disallowance of a claim for refund under § 13-904 of this title.  
10 13-601.

11 (a) Except as otherwise provided in this section, if a person or governmental  
12 unit fails to pay a tax imposed under this article on or before the date on which the  
13 tax is due, the tax collector shall assess interest on the unpaid tax from the due date  
14 to the date on which the tax is paid.

15 (b) Except as provided in [subsections (c)(2) and (d)] SUBSECTION (C) of this  
16 section, the date on which the tax is due is determined without regard to any  
17 extension of time to file a return.

18 [(c) Interest on unpaid inheritance tax begins:

19 (1) 30 days after the date on which the tax is determined;

20 (2) on the original due date, if there is no formal administration of the  
21 estate and the tax is not paid within 30 days after the date on which the tax bill is  
22 mailed; or

23 (3) 30 days after the original due date, if an alternative payment  
24 schedule for inheritance tax is allowed.

25 (d)] (C) Interest on unpaid Maryland estate tax begins 9 months after the  
26 date of the death of a decedent and applies to tax that is not paid by that date,  
27 including:

28 (1) an increase in Maryland estate tax due to a change in federal estate  
29 tax made after a payment of Maryland estate tax; and

30 (2) a payment made in accordance with an alternative payment  
31 schedule.

32 [(e)] (D) Interest on unpaid Maryland generation-skipping transfer tax  
33 begins on the date the Maryland generation-skipping transfer tax return is due and  
34 applies to tax that is not paid by that date, including an increase in Maryland  
35 generation-skipping transfer tax due to a change in federal generation-skipping  
36 transfer tax made after a payment of Maryland generation-skipping transfer tax.

1     [(f)]     (E)     An overpayment of sales and use tax stops the accrual of interest on  
2 a sales and use tax deficiency to the extent of the overpayment as of the date the  
3 overpayment is made.

4 13-603.

5     (a)     Except as otherwise provided in this section, if a claim for refund under §  
6 13-901(a)(1) or (2) or (d)[(1)(i) or (2)] of this title is approved, the tax collector shall  
7 pay interest on the refund from the 45th day after the claim is filed in the manner  
8 required in Subtitle 9 of this title to the date on which the refund is paid.

9     (b)     A tax collector may not pay interest on a refund if the claim for refund is:

10           (1)     made under any provision other than § 13-901(a)(1) or (2) or (d)[(1)(i)  
11 or (2)] of this title;

12           (2)     based on:

13                 (i)     an error or mistake of the claimant not attributable to the State  
14 or a unit of the State government;

15                 (ii)    withholding excess income tax; OR

16                 (iii)  an overpayment of estimated financial institution franchise tax  
17 or estimated income tax; [or

18                 (iv)    an overpayment of Maryland estate tax based on an inheritance  
19 tax payment made after payment of Maryland estate tax;] or

20           (3)     made for Maryland estate tax or Maryland generation-skipping  
21 transfer tax more than 1 year after the event on which the claim is based.

22 13-701.

23     (a)     Except as otherwise provided in this subtitle, if a person or governmental  
24 unit fails to pay a tax when due under this article, the tax collector shall assess a  
25 penalty not exceeding 10% of the unpaid tax.

26     (b)     (1)     If a person fails to pay financial institution franchise tax, income tax,  
27 or tobacco tax when required under this article, the tax collector shall assess a  
28 penalty not exceeding 25% of the unpaid tax.

29           (2)     If a person fails to file a motor carrier tax return or motor fuel tax  
30 return when required under this article, the Comptroller shall assess a penalty not  
31 exceeding \$25.

32     [(c)     The penalty under subsection (a) of this section may be assessed for unpaid  
33 inheritance tax at or after the time allowed for the assessment of interest under §  
34 13-601(c) of this title.]

1 13-805.

2 (a) Unpaid tax, interest, and penalties constitute a lien, in favor of the State,  
3 extending to all property and rights to property belonging to:

4 (1) the person required to pay the tax; or

5 (2) the fiduciary estate on which the tax is imposed.

6 [(b) Unpaid inheritance tax, interest, and penalties constitute a lien, in favor of  
7 the State, extending to:

8 (1) the assets of a small business for which an alternative payment  
9 schedule was granted under § 7-218 of this article; and

10 (2) any other property on which inheritance tax is due.

11 (c) (B) Unpaid Maryland estate tax and interest constitute a lien, in favor of  
12 the State, extending to the estate that is subject to the Maryland estate tax.

13 [(d) (C) Unpaid Maryland generation-skipping transfer tax and interest  
14 constitute a lien, in favor of the State, extending to any property included in the  
15 generation-skipping transfer for which the Maryland generation-skipping transfer  
16 tax is due.

17 13-806.

18 [(a) Unless another date is specified by law [and except for a lien under  
19 subsection (b) of this section], a lien arises on the date of notice that the tax is due  
20 and continues to the date on which the lien is:

21 (1) satisfied; or

22 (2) released by the tax collector because the lien is:

23 (i) unenforceable by reason of lapse of time; or

24 (ii) uncollectible.

25 [(b) (1) Except as otherwise provided in this subsection, a lien for unpaid  
26 inheritance tax:

27 (i) arises on the date of distribution; and

28 (ii) continues for 4 years.

29 (2) If the property is subject to a special valuation under § 7-211 of this  
30 article, a lien:

31 (i) arises on the date on which the interest in the property vests in  
32 possession; and

1 (ii) continues for 4 years.

2 (3) If the unpaid inheritance tax is attributable to the disqualification of  
3 property that was qualified for special valuation or exemption under § 7-211 of this  
4 article, the lien:

5 (i) arises on the date on which the decedent died; and

6 (ii) continues for 20 years.]

7 13-901.

8 (d) A claim for refund of Maryland estate tax or Maryland  
9 generation-skipping transfer tax may be filed by a claimant required to pay the tax if:

10 (1) the Maryland estate tax is decreased as a result of[:

11 (i)] a decrease in the federal estate tax on the estate[; or

12 (ii) an inheritance tax payment made after a Maryland estate tax  
13 payment]; or

14 (2) the Maryland generation-skipping transfer tax is decreased as a  
15 result of a decrease in the federal generation-skipping transfer tax on the  
16 generation-skipping transfer.

17 13-1104.

18 (d) A claim for refund of Maryland estate tax[, inheritance tax,] or Maryland  
19 generation-skipping transfer tax may not be filed after 3 years from the date of the  
20 event that caused the refund.

21 SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 7-228 and  
22 7-231(e) of Article - Tax - General of the Annotated Code of Maryland be repealed  
23 and reenacted, with amendments, and transferred to be Section(s) 2-213 of Article -  
24 Estates and Trusts of the Annotated Code of Maryland, to read as follows:

25 **Article - Estates and Trusts**

26 [7-231.] 2-213.

27 [(e)] (A) For an estate of a nonresident decedent, the register shall cooperate  
28 with the domiciliary taxing authorities and give them any information requested  
29 about the estate.

30 [7-228.]

31 [(a)] (B) For an estate of a nonresident decedent, if the death taxes and  
32 interest and penalties on the death taxes due to a domiciliary state or a political  
33 subdivision of a domiciliary state are not paid or secured, the unit responsible for  
34 collecting the death taxes in the domiciliary state or subdivision may petition and

1 receive from the court in this State that granted letters of administration for the  
2 estate an order for:

3           (1)       an accounting of the property in this State; and

4           (2)       payment of the death taxes and interest and penalties on the death  
5 taxes.

6       [(b)]   (C)       The personal representative of an estate of a nonresident decedent is  
7 not entitled to approval for a final accounting or discharge until the personal  
8 representative files with the court that granted letters of administration for the  
9 estate:

10           (1)       proof that all death taxes and the interest and penalties on the death  
11 taxes have been paid to or secured for the domiciliary taxing authorities; or

12           (2)       the consent of the domiciliary taxing authorities to the final  
13 accounting or discharge.

14       [(c)]   (D)       This section [and § 7-231(e) of this subtitle] shall be construed  
15 liberally to ensure that the domiciliary state of a nonresident decedent receives the  
16 death taxes and the interest and penalty on the death taxes due to that state from the  
17 estate of the decedent.

18       SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 July 1, 1999 and shall be applicable to persons dying on or after July 1, 1999. Those  
20 statutes in effect on June 30, 1999 shall govern the administration, on and after July  
21 1, 1999, of estates of persons who died before July 1, 1999, and shall govern the  
22 imposition, rate, administration, collection, enforcement, and distribution, on and  
23 after July 1, 1999, of the inheritance tax on property passing from persons who died  
24 before July 1, 1999.