

BY: Senator Greenip

AMENDMENTS TO HOUSE BILL NO. 147  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 31, after “year;” insert “repealing a certain limit on the unified credit used for determining the Maryland estate tax; repealing a certain requirement that a person responsible for paying the inheritance tax file an estate tax return and pay the estate tax under certain circumstances; repealing a requirement that the Maryland estate tax be determined without regard to a certain deduction allowed under the federal estate tax;”.

On page 7, in line 27, after “Section” insert “7-309.”.

AMENDMENT NO. 2

On page 35, after line 19, insert:

“7-309.

(a) Notwithstanding an Act of Congress that repeals or reduces the federal credit under § 2011 of the Internal Revenue Code, the provisions of this subtitle in effect before the passage of the Act of Congress shall apply with respect to a decedent who dies after the effective date of the Act of Congress so as to continue the Maryland estate tax in force without reduction in the same manner as if the federal credit had not been repealed or reduced.

(b) (1) Except as provided in [paragraphs (2) and (3)] PARAGRAPH (2) of this subsection, after the effective date of an Act of Congress described in subsection (a) of this section, the Maryland estate tax shall be determined using:

(i) the federal credit allowable by § 2011 of the Internal Revenue Code as in effect before the reduction or repeal of the federal credit pursuant to the Act of Congress; and

(Over)

(ii) other provisions of federal estate tax law, INCLUDING THE APPLICABLE UNIFIED CREDIT ALLOWED AGAINST THE FEDERAL ESTATE TAX, as in effect on the date of the decedent's death.

(2) [Except as provided in paragraph (3) of this subsection, if] IF the federal estate tax is not in effect on the date of the decedent's death, the Maryland estate tax shall be determined using:

(i) the federal credit allowable by § 2011 of the Internal Revenue Code as in effect before the reduction or repeal of the federal credit pursuant to the Act of Congress; and

(ii) other provisions of federal estate tax law, INCLUDING THE APPLICABLE UNIFIED CREDIT ALLOWED AGAINST THE FEDERAL ESTATE TAX, as in effect on the date immediately preceding the effective date of the repeal of the federal estate tax.

[(3) (i) Notwithstanding any increase in the unified credit allowed against the federal estate tax for decedents dying after 2003, the unified credit used for determining the Maryland estate tax may not exceed the applicable credit amount corresponding to an applicable exclusion amount of \$1,000,000 within the meaning of § 2010(c) of the Internal Revenue Code.

(ii) The Maryland estate tax shall be determined without regard to any deduction for State death taxes allowed under § 2058 of the Internal Revenue Code.

(4) If a federal estate tax return is not required to be filed, the person responsible for paying the inheritance tax on property that passes from a decedent under Subtitle 2 of this title is responsible for filing a Maryland estate tax return and paying the Maryland estate tax imposed on the transfer of the Maryland estate of the decedent.]”.

### AMENDMENT NO. 3

On page 59, in line 5, after “That” insert “, except as otherwise provided in this Section,”; and in line 6, after “2004.” insert “The changes to § 7-309 of the Tax - General Article as enacted by Section 2 of this Act shall be applicable to decedents dying after December 31, 2004.”.