

By Mr. Hermann of North Andover, petition of Joseph N. Hermann relative to amending the estate tax laws of the Commonwealth. Taxation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Four.

AN ACT TO AMEND THE MASSACHUSETTS ESTATE TAX.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 3 of Chapter 65C of the General Laws is
2 hereby amended by striking subparagraph (a) and substituting
3 therefor the following paragraph: —

4 There shall be an exemption of one hundred thousand dollars;
5 except that if the Massachusetts net estate is two hundred, twenty
6 five thousand dollars or less the exemption shall be an amount
7 equal to the Massachusetts net estate.

1 SECTION 2. Said chapter 65C is hereby further amended by
2 adding after section 2 the following section: —

3 *Section 2A.* Notwithstanding any other general or special law
4 to the contrary, any estate which is subject to a federal estate tax, or
5 similar federal tax, shall be exempt from the tax imposed under
6 this chapter, except as provided in this section. A tax shall be
7 imposed upon any estate subject to this section equal to the amount
8 by which the credit allowable under the applicable federal revenue
9 act for estate, inheritance, legacy and succession taxes actually
10 paid to the several states shall exceed the lesser of:

11 (1) The aggregate amount of all constitutionally valid estate,
12 inheritance, legacy and succession taxes actually paid to the several
13 states of the United States (other than this state) in respect of any
14 property owned by such decedent or subject to such taxes as a part
15 of or in connection with his estate, or:

16 (2) An amount equal to such proportion of such allowable credit

17 as the value of properties taxable by other states bears to the value
18 of the entire gross estate wherever situate.

19 All values shall be as finally determined for federal estate tax
20 purposes.

1 SECTION 3. This act shall apply to the estates of all decedents
2 dying on or after January 1, 1983.