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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 407

January 29, 2009

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The bill was read for the first time and referred to the Committee on Taxes

1.1 A bill for an act
1.2 relating to estate taxation; conforming to the federal exemption amount;
1.3 amending Minnesota Statutes 2008, section 291.03, subdivision 1.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2008, section 291.03, subdivision 1, is amended to read:

1.6 Subdivision 1. **Tax amount.** (a) The tax imposed shall be an amount equal to the
1.7 proportion of the maximum credit for state death taxes computed under section 2011 of
1.8 the Internal Revenue Code, but without regard to the reduction in or repeal of the credit
1.9 and using Minnesota adjusted taxable estate instead of federal adjusted taxable estate, as
1.10 the Minnesota gross estate bears to the value of the federal gross estate.

1.11 (b) The tax determined under this subdivision must not be greater than the sum of
1.12 the following amounts multiplied by a fraction, the numerator of which is the Minnesota
1.13 gross estate and the denominator of which is the federal gross estate:

1.14 (1) the rates and brackets under section 2001(c) of the Internal Revenue Code
1.15 multiplied by the sum of:

1.16 (i) the taxable estate, as defined under section 2051 of the Internal Revenue Code;
1.17 plus

1.18 (ii) adjusted taxable gifts, as defined in section 2001(b) of the Internal Revenue
1.19 Code; less

1.20 (2) the amount of tax allowed under section 2001(b)(2) of the Internal Revenue
1.21 Code; and less

1.22 (3) the federal credit allowed under section 2010 of the Internal Revenue Code.

1.23 ~~(c) For purposes of this subdivision, "Internal Revenue Code" means the Internal~~
1.24 ~~Revenue Code of 1986, as amended through December 31, 2000.~~

- 2.1 **EFFECTIVE DATE.** This section is effective for estates of decedents dying after
- 2.2 December 31, 2008.