

By: Representative Gunn

To: Ways and Means

HOUSE BILL NO. 795

1 AN ACT TO AMEND SECTION 27-9-5, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THAT THE LEVY OF STATE ESTATE TAX AND THE TRANSFER OF A
3 NET ESTATE IS SUBJECT TO A STATE DEATH TAX CREDIT IN THE AMOUNT
4 PERMITTED AS A CREDIT IN COMPUTING FEDERAL ESTATE TAX; AND FOR
5 RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. Section 27-9-5, Mississippi Code of 1972, is
8 amended as follows:

9 [For decedents dying after March 22, 1956, and before October
10 1, 1988, this section shall read as follows:]

11 27-9-5. A tax equal to the sum of the following percentages
12 of the value of the net estate is hereby imposed upon the transfer
13 of the net estate of every decedent dying after March 22, 1956,
14 and before October 1, 1988, whether a resident or a nonresident of
15 the State of Mississippi:

MISSISSIPPI ESTATE TAX SCHEDULE

Over	But not over		Of excess over
\$ -0-	\$ 60,000	1%	
60,000	100,000	\$ 600 plus 1.6%	60,000
100,000	200,000	1,240 plus 2.4%	100,000
200,000	400,000	3,640 plus 3.2%	200,000
400,000	600,000	10,040 plus 4.0%	400,000
600,000	800,000	18,040 plus 4.8%	600,000
800,000	1,000,000	27,640 plus 5.6%	800,000
1,000,000	1,500,000	38,840 plus 6.4%	1,000,000
1,500,000	2,000,000	70,840 plus 7.2%	1,500,000
2,000,000	2,500,000	106,840 plus 8.0%	2,000,000
2,500,000	3,000,000	146,840 plus 8.8%	2,500,000

125 Provided, however, that the tax due under this said section
126 shall not be less than the state death tax credit allowable under
127 Title 26, Section 2011, USCS.

128 **[For decedents dying on or after January 1, 2000, this**
129 **section shall read as follows:]**

130 27-9-5. A tax is hereby imposed upon the transfer of the net
131 estate of every decedent dying on or after January 1, 2000, in an
132 amount equal to the maximum amount of state death tax credit
133 permissible as a credit * * * in computing any federal estate tax
134 payable by the estate according to the act of Congress in effect,
135 on the date of the death of the decedent, taxing such estate with
136 respect to the items subject to taxation in Mississippi. The tax
137 imposed by this section shall not exceed the aggregate amounts
138 which may by any law of the United States be allowed to be
139 credited against * * * federal estate tax. The tax imposed by
140 this section shall be due in the proportion that the estate
141 located in Mississippi bears to the entire estate wherever
142 located. The estate tax hereby imposed by this section shall only
143 be exercised or enforced to the extent of absorbing the amount of
144 any * * * credit which may be permitted by the laws of the United
145 States now existing or hereafter enacted to be claimed as a * * *
146 credit against such similar tax of the United States applicable to
147 Mississippi estates.

148 **SECTION 2.** This act shall take effect and be in force from
149 and after January 1, 2005.