

SENATE BILL 561

Q7

8lr1799

By: **Senators Manno, Madaleno, Pinsky, Ramirez, Smith, and Young**

Introduced and read first time: January 31, 2018

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Estate Tax – Unified Credit**

3 FOR the purpose of altering a certain limit on the unified credit used for determining the
4 Maryland estate tax for decedents dying on or after a certain date; altering a certain
5 limitation on the amount of the Maryland estate tax for decedents dying on or after
6 a certain date; making a conforming change; and generally relating to the Maryland
7 estate tax.

8 BY repealing and reenacting, without amendments,

9 Article – Tax – General

10 Section 7–309(a)

11 Annotated Code of Maryland

12 (2016 Replacement Volume and 2017 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Tax – General

15 Section 7–309(b)(1), (2), and (3)

16 Annotated Code of Maryland

17 (2016 Replacement Volume and 2017 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Tax – General**

21 7–309.

22 (a) Notwithstanding an Act of Congress that repeals or reduces the federal credit
23 under § 2011 of the Internal Revenue Code, the provisions of this subtitle in effect before
24 the passage of the Act of Congress shall apply with respect to a decedent who dies after the
25 effective date of the Act of Congress so as to continue the Maryland estate tax in force

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 without reduction in the same manner as if the federal credit had not been repealed or
2 reduced.

3 (b) (1) Except as provided in paragraphs (2) through (8) of this subsection and
4 subsection (c) of this section, after the effective date of an Act of Congress described in
5 subsection (a) of this section, the Maryland estate tax shall be determined using:

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

9 (ii) other provisions of federal estate tax law[, including the
10 applicable unified credit allowed against the federal estate tax,] as in effect on the date of
11 the decedent's death.

12 (2) Except as provided in paragraphs (3) through (8) of this subsection and
13 subsection (c) of this section, if the federal estate tax is not in effect on the date of the
14 decedent's death, the Maryland estate tax shall be determined using:

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

18 (ii) other provisions of federal estate tax law[, including the
19 applicable unified credit allowed against the federal estate tax,] as in effect on the date
20 immediately preceding the effective date of the repeal of the federal estate tax.

21 (3) (i) Notwithstanding any increase in the unified credit allowed
22 against the federal estate tax for decedents dying after 2003, the unified credit used for
23 determining the Maryland estate tax for a decedent [dying before January 1, 2019,] may
24 not exceed the applicable credit amount corresponding to an applicable exclusion amount,
25 within the meaning of § 2010(c) of the Internal Revenue Code, of:

26 1. \$1,000,000 for a decedent dying before January 1, 2015;

27 2. \$1,500,000 for a decedent dying on or after January 1,
28 2015, but before January 1, 2016;

29 3. \$2,000,000 for a decedent dying on or after January 1,
30 2016, but before January 1, 2017;

31 4. \$3,000,000 for a decedent dying on or after January 1,
32 2017, but before January 1, 2018; [and]

33 5. \$4,000,000 for a decedent dying on or after January 1,
34 2018, but before [January 1, 2019] **JUNE 1, 2018; AND**

1 **6. \$1,000,000 FOR A DECEDENT DYING ON OR AFTER**
2 **JUNE 1, 2018.**

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

5 (iii) Unless the federal credit allowable by § 2011 of the Internal
6 Revenue Code is in effect on the date of the decedent's death, the federal credit used to
7 determine the Maryland estate tax may not exceed 16% of the amount by which the
8 decedent's taxable estate, as defined in § 2051 of the Internal Revenue Code, exceeds:

9 1. \$1,000,000 for a decedent dying before January 1, 2015;

10 2. \$1,500,000 for a decedent dying on or after January 1,
11 2015, but before January 1, 2016;

12 3. \$2,000,000 for a decedent dying on or after January 1,
13 2016, but before January 1, 2017;

14 4. \$3,000,000 for a decedent dying on or after January 1,
15 2017, but before January 1, 2018;

16 5. \$4,000,000 for a decedent dying on or after January 1,
17 2018, but before [January 1, 2019] **JUNE 1, 2018**; and

18 6. [the applicable exclusion amount corresponding to the
19 applicable unified credit under paragraph (1) or (2) of this subsection for a decedent dying
20 on or after January 1, 2019] **\$1,000,000 FOR A DECEDENT DYING ON OR AFTER JUNE**
21 **1, 2018.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
23 1, 2018.