

SENATE BILL 847

Q7

6lr1551
CF 6lr3401

By: **The President (By Request – Maryland Economic Development and Business
Climate Commission)**

Introduced and read first time: February 5, 2016

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Estate Tax – Exclusion Amount**

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

8 BY repealing and reenacting, without amendments,

9 Article – Tax – General

10 Section 7–309(a) and (b)(1) and (2)

11 Annotated Code of Maryland

12 (2010 Replacement Volume and 2015 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Tax – General

15 Section 7–309(b)(3)

16 Annotated Code of Maryland

17 (2010 Replacement Volume and 2015 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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 effective date of the Act of Congress so as to continue the Maryland estate tax in force
2 without reduction in the same manner as if the federal credit had not been repealed or
3 reduced.

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

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

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

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

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

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

22 (3) (i) Notwithstanding any increase in the unified credit allowed
23 against the federal estate tax for decedents dying after 2003, the unified credit used for
24 determining the Maryland estate tax for a decedent dying before January 1, ~~2019,~~ **2016**,
25 may not exceed the applicable credit amount corresponding to an applicable exclusion
26 amount, within the meaning of § 2010(c) of the Internal Revenue Code, of:

27 1. \$1,000,000 for a decedent dying before January 1, 2015;

28 **AND**

29 2. \$1,500,000 for a decedent dying on or after January 1,
30 2015, but before January 1, 2016[;

31 3. \$2,000,000 for a decedent dying on or after January 1,
32 2016, but before January 1, 2017;

33 4. \$3,000,000 for a decedent dying on or after January 1,
34 2017, but before January 1, 2018; and

1 5. \$4,000,000 for a decedent dying on or after January 1,
2 2018, but before January 1, 2019].

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; **AND**

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; 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] 2016**.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2016.