

HOUSE No. 4210

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 8, 2018.

The committee on Revenue to whom were referred the petition (accompanied by bill, Senate, No. 1509) of Viriato M. deMacedo, Donald F. Humason, Jr., Thomas J. Calter, Ryan C. Fattman and others for legislation relative to the Massachusetts estate tax, the petition (accompanied by bill, Senate, No. 1523) of Ryan C. Fattman, Joseph D. McKenna, Shawn Dooley, Leonard Mirra and other members of the General Court for legislation to abolish the death tax, the petition (accompanied by bill, Senate, No. 1595) of Patrick M. O'Connor, David F. DeCoste, Donald F. Humason, Jr. and Ryan C. Fattman for legislation to abolish the death tax, the petition (accompanied by bill, Senate, No. 1669) of James E. Timilty, Steven S. Howitt, Bradley H. Jones, Jr. and Bruce E. Tarr for legislation relative to the Massachusetts estate tax, the petition (accompanied by bill, House, No. 1510) of Shawn Dooley and others relative to the estate tax code of the Commonwealth, the petition (accompanied by bill, House, No. 1580) of Joseph D. McKenna and others for legislation to repeal the estate tax, and the petition (accompanied by bill, House, No. 3626) of Todd M. Smola relative to the Massachusetts estate tax, reports recommending that the accompanying bill (House, No. 4210) ought to pass.

For the committee,

JAY R. KAUFMAN.

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**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the Massachusetts estate tax code.

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 2A of chapter 65C of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting, in line 2, after the figure “1997” the following
3 words:-

4 and on or before December 31, 2018

5 SECTION 2. Said chapter 65C is hereby amended by inserting after section 2A the
6 following new section:-

7 Section 2B. (a) For the purposes of this section, the following terms shall have the
8 following meanings:-

9 “Adjusted taxable estate”, the sum of the taxable estate, as defined in section 2051 of the
10 Code, and any taxable gifts, as defined in section 2503 of the Code, with a Massachusetts situs
11 made by the decedent within 3 years of the date of death, less the exemption as determined under
12 this subsection.

13 “Code”, the Internal Revenue Code of the United States, as amended and in effect on
14 December 31, 2000, unless the context clearly indicates otherwise.

15 “CPI”, the consumer price index for any calendar year as defined in section 1 of the
16 Code, as amended on January 1, 2005 and in effect for the calendar year.

17 “Exemption”, \$1,000,000 for calendar years beginning on or after January 1, 2019 and
18 before January 1, 2020. For calendar years beginning on or after January 1, 2020, the exemption
19 shall be \$1,000,000 increased by an amount equal to \$1,000,000 multiplied by the percentage, if
20 any, by which the CPI for the preceding calendar year exceeds the CPI for calendar year 2019. If
21 the amount as adjusted under the preceding sentence is not a multiple of \$10,000, such amount
22 shall be rounded to the nearest multiple of \$10,000.

23 (b)(1) A tax is hereby imposed upon the transfer of the estate of each person dying on or
24 after January 1, 2019 who, at the time of death, was a resident of the commonwealth in
25 accordance with the following table:

If the adjusted taxable estate is:		The Massachusetts estate tax shall be:	
Over	But not over		
	0	90,000	1.6% of the adjusted taxable estate
	90,000	140,000	\$1,440 plus 2.4% of the excess over \$90,000
	140,000	240,000	\$2,640 plus 3.2% of the excess over
	\$140,000		
	240,000	440,000	\$5,840 plus 4% of the excess over \$240,000

33	440,000	640,000	\$13,840 plus 5% of the excess over
34	\$440,000		
35	640,000	840,000	\$23,840 plus 6% of the excess over
36	\$640,000		
37	840,000	1,040,000	\$35,840 plus 7% of the excess over \$840,000
38	1,040,000	1,540,000	\$49,840 plus 8% of the excess over \$1,040,000
39	1,540,000	2,040,000	\$89,840 plus 9% of the excess over \$1,540,000
40	2,040,000	2,540,000	\$134,840 plus 10% of the excess over \$2,040,000
41	2,540,000	3,040,000	\$184,840 plus 11% of the excess over \$2,540,000
42	3,040,000	3,540,000	\$239,840 plus 12% of the excess over \$3,040,000
43	3,540,000	4,040,000	\$299,840 plus 13% of the excess over \$3,540,000
44	4,040,000	5,040,000	\$364,840 plus 14% of the excess over \$4,040,000
45	5,040,000	6,040,000	\$504,840 plus 15% of the excess over \$5,040,000
46	6,040,000		\$654,840 plus 16% of the excess over
47	\$6,040,000		

48 (2) A credit shall be allowed against the tax imposed under this subsection equal to the
49 lesser of:

50 (i) the aggregate amount of all estate, inheritance, legacy and succession taxes actually
51 paid to the several states of the United States, other than the commonwealth, in respect to any

52 property owned by that decedent or subject to those taxes as part of or in connection with his
53 estate; or

54 (ii) an amount equal to the proportion of the tax determined under paragraph (1) as the
55 value of properties taxable by other states bears to the value of the entire federal gross estate
56 wherever situated.

57 (c) A tax is hereby imposed upon the transfer of real property situated in this
58 commonwealth and upon tangible personal property having an actual situs in this commonwealth
59 of every person who at the time of his death was not a resident of the commonwealth. The
60 amount of this tax is a sum equal to the proportion of the tax determined under paragraph (1) of
61 subsection (b) which the value of Massachusetts real and tangible personal property taxed in this
62 commonwealth subject to such tax bears to the value of the decedent's total federal gross estate.

63 (d) Notwithstanding any other provision of law, the tax imposed by subsections (a) and
64 (b) shall be computed upon the value of any property subject to a power of appointment which is
65 includible in the federal gross estate, notwithstanding that a tax has been paid thereon pursuant to
66 section 14 of chapter 65.

67 (e) For the purposes of computing the tax imposed by this section, the provisions of
68 section 3 shall not apply.