

By: Bryan

To: Finance

SENATE BILL NO. 2441
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 27-9-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT FOR DECEDENTS DYING ON OR AFTER JANUARY 1, 2000, THE
3 STATE ESTATE TAX SHALL BE AN AMOUNT EQUAL TO THE MAXIMUM AMOUNT OF
4 STATE DEATH TAX CREDIT PERMISSIBLE AS A CREDIT OR DEDUCTION IN
5 COMPUTING ANY FEDERAL ESTATE TAX PAYABLE BY THE ESTATE ACCORDING
6 TO THE ACT OF CONGRESS IN EFFECT, ON THE DATE OF THE DEATH OF THE
7 DECEDENT, TAXING SUCH ESTATE WITH RESPECT TO THE ITEMS SUBJECT TO
8 TAXATION IN MISSISSIPPI; TO PROVIDE THAT THE AMOUNT OF SUCH TAX
9 SHALL NOT EXCEED IN THE AGGREGATE AMOUNTS WHICH MAY BY ANY LAW OF
10 THE UNITED STATES BE ALLOWED TO BE CREDITED AGAINST OR DEDUCTED
11 FROM FEDERAL ESTATE TAX; AND FOR RELATED PURPOSES.

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

13 SECTION 1. Section 27-9-5, Mississippi Code of 1972, is
14 amended as follows:[JU1]

15 **[For decedents dying after March 22, 1956, and before October**
16 **1, 1988, this section shall read as follows:]**

17 27-9-5. A tax equal to the sum of the following percentages
18 of the value of the net estate is hereby imposed upon the transfer
19 of the net estate of every decedent dying after March 22, 1956,
20 and before October 1, 1988, whether a resident or a nonresident of
21 the State of Mississippi:

22 MISSISSIPPI ESTATE TAX SCHEDULE

23	Over	But not over		Of excess over
24	\$ -0-	\$ 60,000	1%	
25	60,000	100,000	\$ 600 plus 1.6%	60,000
26	100,000	200,000	1,240 plus 2.4%	100,000
27	200,000	400,000	3,640 plus 3.2%	200,000
28	400,000	600,000	10,040 plus 4.0%	400,000
29	600,000	800,000	18,040 plus 4.8%	600,000
30	800,000	1,000,000	27,640 plus 5.6%	800,000

31	1,000,000	1,500,000	38,840 plus 6.4%	1,000,000
32	1,500,000	2,000,000	70,840 plus 7.2%	1,500,000
33	2,000,000	2,500,000	106,840 plus 8.0%	2,000,000
34	2,500,000	3,000,000	146,840 plus 8.8%	2,500,000
35	3,000,000	3,500,000	190,840 plus 9.6%	3,000,000
36	3,500,000	4,000,000	238,840 plus 10.4%	3,500,000
37	4,000,000	5,000,000	290,840 plus 11.2%	4,000,000
38	5,000,000	6,000,000	402,840 plus 12.0%	5,000,000
39	6,000,000	7,000,000	522,840 plus 12.8%	6,000,000
40	7,000,000	8,000,000	650,840 plus 13.6%	7,000,000
41	8,000,000	9,000,000	786,840 plus 14.4%	8,000,000
42	9,000,000	10,000,000	930,840 plus 15.2%	9,000,000
43	10,000,000 and over		1,082,840 plus 16.0%	10,000,000

44 Provided, however, that the tax due under this section shall
45 not be less than the state death tax credit allowable under Title
46 26, Section 2011, USCS.

47 **[For decedents dying on or after October 1, 1988, and before**
48 **October 1, 1989, this section shall read as follows:]**

49 27-9-5. A tax equal to the sum of the following percentages
50 of the value of the net estate is hereby imposed upon the transfer
51 of the net estate of every decedent dying on or after October 1,
52 1988, and before October 1, 1989, whether a resident or a
53 nonresident of the State of Mississippi:

54 MISSISSIPPI ESTATE TAX SCHEDULE

55	Over	But not over		Of excess over
56	\$ -0-	\$ 100,000	1.7%	
57	100,000	200,000	1,700 plus 3.4%	100,000
58	200,000	400,000	5,100 plus 5.2%	200,000
59	400,000	600,000	15,500 plus 6.6%	400,000
60	600,000	800,000	28,700 plus 8.0%	600,000
61	800,000	1,000,000	44,700 plus 9.7%	800,000
62	1,000,000	1,500,000	64,100 plus 11.4%	1,000,000
63	1,500,000	2,000,000	121,100 plus 12.7%	1,500,000

64	2,000,000	2,500,000	184,600 plus 14.0%	2,000,000
65	2,500,000	3,000,000	254,600 plus 15.3%	2,500,000
66	3,000,000	3,500,000	331,100 plus 16.7%	3,000,000
67	3,500,000	And over	414,600 plus 18.4%	3,500,000

68 Provided, however, that the tax due under this section shall
69 not be less than the state death tax credit allowable under Title
70 26, Section 2011, USCS.

71 **[For decedents dying on or after October 1, 1989, and before**
72 **October 1, 1990, this section shall read as follows:]**

73 27-9-5. A tax equal to the sum of the following percentages
74 of the value of the net estate is hereby imposed upon the transfer
75 of the net estate of every decedent dying on or after October 1,
76 1989, and before October 1, 1990, whether a resident or a
77 nonresident of the State of Mississippi:

78 MISSISSIPPI ESTATE TAX SCHEDULE

79	Over	But not over		Of excess over
80	\$ -0-	\$ 100,000	1.4%	
81	100,000	200,000	1,400 plus 2.8%	100,000
82	200,000	400,000	4,200 plus 4.4%	200,000
83	400,000	600,000	13,000 plus 5.75%	400,000
84	600,000	800,000	24,500 plus 6.9%	600,000
85	800,000	1,000,000	38,300 plus 8.3%	800,000
86	1,000,000	1,500,000	54,900 plus 9.7%	1,000,000
87	1,500,000	2,000,000	103,400 plus 10.85%	1,500,000
88	2,000,000	2,500,000	157,650 plus 12.0%	2,000,000
89	2,500,000	3,000,000	217,650 plus 13.15%	2,500,000
90	3,000,000	3,500,000	283,400 plus 14.3%	3,000,000
91	3,500,000	4,000,000	354,900 plus 15.7%	3,500,000
92	4,000,000	5,000,000	433,400 plus 16.1%	4,000,000
93	5,000,000	6,000,000	594,400 plus 16.5%	5,000,000
94	6,000,000	7,000,000	759,400 plus 16.9%	6,000,000
95	7,000,000	8,000,000	928,400 plus 17.3%	7,000,000
96	8,000,000	9,000,000	1,101,400 plus 17.7%	8,000,000

97 9,000,000 10,000,000 1,278,400 plus 18.1% 9,000,000
 98 10,000,000 and over 1,459,400 plus 18.5% 10,000,000

99 Provided, however, that the tax due under this section shall
 100 not be less than the state death tax credit allowable under Title
 101 26, Section 2011, USCS.

102 **[For decedents dying on or after October 1, 1990, and before**
 103 **January 1, 2000, this section shall read as follows:]**

104 27-9-5. A tax equal to the sum of the following percentages
 105 of the value of the net estate is hereby imposed upon the transfer
 106 of the net estate of every decedent dying on or after October 1,
 107 1990, whether a resident or a nonresident of the State of
 108 Mississippi:

109 MISSISSIPPI ESTATE TAX SCHEDULE

110	Over	But not over		Of excess over
111	\$ -0-	\$ 60,000	1%	
112	60,000	100,000	\$ 600 plus 1.6%	60,000
113	100,000	200,000	1,240 plus 2.4%	100,000
114	200,000	400,000	3,640 plus 3.2%	200,000
115	400,000	600,000	10,040 plus 4.0%	400,000
116	600,000	800,000	18,040 plus 4.8%	600,000
117	800,000	1,000,000	27,640 plus 5.6%	800,000
118	1,000,000	1,500,000	38,840 plus 6.4%	1,000,000
119	1,500,000	2,000,000	70,840 plus 7.2%	1,500,000
120	2,000,000	2,500,000	106,840 plus 8.0%	2,000,000
121	2,500,000	3,000,000	146,840 plus 8.8%	2,500,000
122	3,000,000	3,500,000	190,840 plus 9.6%	3,000,000
123	3,500,000	4,000,000	238,840 plus 10.4%	3,500,000
124	4,000,000	5,000,000	290,840 plus 11.2%	4,000,000
125	5,000,000	6,000,000	402,840 plus 12.0%	5,000,000
126	6,000,000	7,000,000	522,840 plus 12.8%	6,000,000
127	7,000,000	8,000,000	650,840 plus 13.6%	7,000,000
128	8,000,000	9,000,000	786,840 plus 14.4%	8,000,000
129	9,000,000	10,000,000	930,840 plus 15.2%	9,000,000

130 10,000,000 and over 1,082,840 plus 16.0% 10,000,000

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

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

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

154 SECTION 2. This act shall take effect and be in force from
155 and after its passage.