

2015 -- S 0034

=====  
LC000156  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

—————  
A N A C T

RELATING TO TAXATION - ESTATE TAX

Introduced By: Senators Walaska, Ciccone, Felag, Lombardo, and Lombardi

Date Introduced: January 13, 2015

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 44-22-1.1 of the General Laws in Chapter 44-22 entitled "Estate  
2 and Transfer Taxes - Liability and Computation" is hereby amended to read as follows:

3 **44-22-1.1. Tax on net estate of decedent.** -- (a) (1) For decedents whose death occurs on  
4 or after January 1, 1992, but prior to January 1, 2002, a tax is imposed upon the transfer of the net  
5 estate of every resident or nonresident decedent as a tax upon the right to transfer. The tax is a  
6 sum equal to the maximum credit for state death taxes allowed by 26 U.S.C. § 2011.

7 (2) For decedents whose death occurs on or after January 1, 2002, but prior to January 1,  
8 2010 a tax is imposed upon the transfer of the net estate of every resident or nonresident decedent  
9 as a tax upon the right to transfer. The tax is a sum equal to the maximum credit for state death  
10 taxes allowed by 26 U.S.C. § 2011 as it was in effect as of January 1, 2001; provided, however,  
11 that the tax shall be imposed only if the net taxable estate shall exceed ~~six hundred seventy five~~  
12 ~~thousand dollars (\$675,000).~~ two million five hundred thousand dollars (\$2,500,000); said  
13 amount shall be adjusted by the percentage of increase in the Consumer Price Index for all Urban  
14 Consumers (CPI-U) as published by the United States Department of Labor Statistics determined  
15 as of September 30 of the prior calendar year; said adjustment shall be compounded annually and  
16 shall be rounded up to the nearest five dollar (\$5.00) increment. Provided further, the tax shall be  
17 calculated and imposed only on the amount of the net taxable estate that exceeds two million five  
18 hundred thousand dollars (\$2,500,000). Any scheduled increase in the unified credit provided in  
19 26 U.S.C. § 2010 in effect on January 1, 2001, or thereafter, shall not apply.

1           ~~(3) For decedents whose death occurs on or after January 1, 2010, and prior to January 1,~~  
2 ~~2015 a tax is imposed upon the transfer of the net estate of every resident or nonresident decedent~~  
3 ~~as a tax upon the right to transfer. The tax is a sum equal to the maximum credit for state death~~  
4 ~~taxes allowed by 26 U.S.C. § 2011 as it was in effect as of January 1, 2001; provided, however,~~  
5 ~~that the tax shall be imposed only if the net taxable estate shall exceed eight hundred and fifty~~  
6 ~~thousand dollars (\$850,000); provided, further, beginning on January 1, 2011 and each January 1~~  
7 ~~thereafter until January 1, 2015, said amount shall be adjusted by the percentage of increase in the~~  
8 ~~Consumer Price Index for all Urban Consumers (CPI-U) as published by the United States~~  
9 ~~Department of Labor Statistics determined as of September 30 of the prior calendar year; said~~  
10 ~~adjustment shall be compounded annually and shall be rounded up to the nearest five dollar~~  
11 ~~(\$5.00) increment. Any scheduled increase in the unified credit provided in 26 U.S.C. § 2010 in~~  
12 ~~effect on January 1, 2003, or thereafter, shall not apply.~~

13           ~~(4) For decedents whose death occurs on or after January 1, 2015, a tax is imposed upon~~  
14 ~~the transfer of the net estate of every resident or nonresident decedent as a tax upon the right to~~  
15 ~~transfer. The tax is a sum equal to the maximum credit for state death taxes allowed by 26 U.S.C.~~  
16 ~~Section 2011, as it was in effect as of January 1, 2001; provided, however, that a Rhode Island~~  
17 ~~credit shall be allowed against any tax so determined in the amount of sixty four thousand four~~  
18 ~~hundred (\$64,400). Any scheduled increase in the unified credit provided in 26 U.S.C. Section~~  
19 ~~2010 in effect on January 1, 2003, or thereafter, shall not apply; provided, further, beginning on~~  
20 ~~January 1, 2016 and each January 1 thereafter, said Rhode Island credit amount under this section~~  
21 ~~shall be adjusted by the percentage of increase in the Consumer Price Index for all Urban~~  
22 ~~Consumers (CPI-U) as published by the United States Department of Labor Statistics determined~~  
23 ~~as of September 30 of the prior calendar year; said adjustment shall be compounded annually and~~  
24 ~~shall be rounded up to the nearest five dollar (\$5.00) increment.~~

25           (b) If the decedent's estate contains property having a tax situs not within the state, then  
26 the tax determined by this section is reduced to an amount determined by multiplying the tax by a  
27 fraction whose numerator is the gross estate excluding all property having a tax situs not within  
28 the state at the decedent's death and whose denominator is the gross estate. In determining the  
29 fraction, no deductions are considered and the gross estate is not reduced by a mortgage or other  
30 indebtedness for which the decedent's estate is not liable.

31           (c) (1) The terms "gross taxable estate", "federal gross estate" or "net taxable estate" used  
32 in this chapter or chapter 23 of this title has the same meaning as when used in a comparable  
33 context in the laws of the United States, unless a different meaning is clearly required by the  
34 provisions of this chapter or chapter 23 of this title. Any reference in this chapter or chapter 23 of

1 this title to the Internal Revenue Code or other laws of the United States means the Internal  
2 Revenue Code of 1954, 26 U.S.C. § 1 et seq.

3 (2) For decedents whose death occurs on or after January 1, 2002, the terms "gross  
4 taxable estate" "federal gross estate" or "net taxable estate" used in this chapter or chapter 23 of  
5 this title has the same meaning as when used in a comparable context in the laws of the United  
6 States, unless a different meaning is clearly required by the provisions of this chapter or chapter  
7 23 of this title. Any reference in this chapter or chapter 23 of this title to the Internal Revenue  
8 Code or other laws of the United States means the Internal Revenue Code of 1954, 26 U.S.C. § 1  
9 et seq., as they were in effect as of January 1, 2001, unless otherwise provided.

10 (d) All values are as finally determined for federal estate tax purposes.

11 (e) Property has a tax situs within the state of Rhode Island:

12 (1) If it is real estate or tangible personal property and has actual situs within the state of  
13 Rhode Island; or

14 (2) If it is intangible personal property and the decedent was a resident.

15 SECTION 2. This act shall take effect upon passage.

=====  
LC000156  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO TAXATION - ESTATE TAX

\*\*\*

- 1           This act would provide all net taxable estates with an exemption from the estate and
- 2 transfer tax of up to the amount of two million five hundred thousand dollars (\$2,500,000).
- 3           This act would take effect upon passage.

=====  
LC000156  
=====