

2010 -- S 2115

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO TAXATION - ESTATE AND TRANSFER TAXES - COMPUTATION

Introduced By: Senators Felag, Jabour, and Bates

Date Introduced: February 04, 2010

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. section 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. section 2011 as it was in effect as of January 1, 2001; provided,
11 however, that the tax shall be imposed only if the net taxable estate shall exceed six hundred
12 seventy-five thousand dollars (\$675,000). Any scheduled increase in the unified credit provided
13 in 26 U.S.C. section 2010 in effect on January 1, 2001, or thereafter, shall not apply.

14 (3) For decedents whose death occurs on or after January 1, 2010, a tax is imposed upon
15 the transfer of the net estate of every resident or nonresident decedent as a tax upon the right to
16 transfer. The tax is a sum equal to the maximum credit for state death taxes allowed by 26 U.S.C.
17 section 2011 as it was in effect as of January 1, 2001; provided, however, that the tax shall be
18 imposed only if the net taxable estate shall exceed eight hundred and fifty thousand dollars
19 (\$850,000); provided, further, beginning on January 1, 2011 that the tax shall be imposed only if

1 the net taxable estate shall exceed one million dollars (\$1,000,000); provided, further, beginning
2 on January 1, 2012 that the tax shall be imposed only if the net taxable estate shall exceed two
3 million dollars (\$2,000,000); provided, further beginning on January 1, 2013 and thereafter there
4 shall be no tax imposed under this section. ~~and each January 1 thereafter, said amount shall be~~
5 ~~adjusted by the percentage of increase in the Consumer Price Index for all Urban Consumers~~
6 ~~(CPI-U) as published by the United States Department of Labor Statistics determined as of~~
7 ~~September 30 of the prior calendar year; said adjustment shall be compounded annually and shall~~
8 ~~be rounded up to the nearest five dollar (\$5.00) increment. Any scheduled increase in the unified~~
9 ~~credit provided in 26 U.S.C. section 2010 in effect on January 1, 2003, or thereafter, shall not~~
10 ~~apply.~~

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

17 (c) (1) The terms "gross taxable estate", "federal gross estate" or "net taxable estate" used
18 in this chapter or chapter 23 of this title has the same meaning as when used in a comparable
19 context in the laws of the United States, unless a different meaning is clearly required by the
20 provisions of this chapter or chapter 23 of this title. Any reference in this chapter or chapter 23 of
21 this title to the Internal Revenue Code or other laws of the United States means the Internal
22 Revenue Code of 1954, 26 U.S.C. section 1 et seq.

23 (2) For decedents whose death occurs on or after January 1, 2002, the terms "gross
24 taxable estate" "federal gross estate" or "net taxable estate" used in this chapter or chapter 23 of
25 this title has the same meaning as when used in a comparable context in the laws of the United
26 States, unless a different meaning is clearly required by the provisions of this chapter or chapter
27 23 of this title. Any reference in this chapter or chapter 23 of this title to the Internal Revenue
28 Code or other laws of the United States means the Internal Revenue Code of 1954, 26 U.S.C.
29 section 1 et seq., as they were in effect as of January 1, 2001, unless otherwise provided.

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

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

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

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would increase the estate tax exemption to \$1,000,000 effective on January 1,
2 2011 and to \$2,000,000 effective January 1, 2012, with the exemption being permanently phased
3 out beginning January 1, 2013.

4 This act would take effect upon passage.

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