

2016 -- H 7383

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO TAXATION -- ESTATE AND TRANSFER TAXES--LIABILITY AND  
COMPUTATION

Introduced By: Representatives Morgan, Giarrusso, Price, Chippendale, and Filippi

Date Introduced: January 28, 2016

Referred To: House Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 44-22-1 of the General Laws in Chapter 44-22 entitled "Estate and  
2   Transfer Taxes - Liability and Computation" is hereby amended to read as follows:  
3           **44-22-1. Tax on net estate of decedents -- Additional tax on postponed enjoyment --**  
4   **Deductions -- Marital deduction. --** (a) A tax is imposed upon the transfer of the net estate of  
5   every resident or nonresident decedent as a tax upon the right to transfer. The tax is imposed at  
6   the rate of two percent (2%) upon all amounts not in excess of twenty-five thousand dollars  
7   (\$25,000); at the rate of three percent (3%) upon all amounts in excess of twenty-five thousand  
8   dollars (\$25,000) and not exceeding fifty thousand dollars (\$50,000); at the rate of four percent  
9   (4%) upon all amounts in excess of fifty thousand dollars (\$50,000) and not exceeding one  
10   hundred thousand dollars (\$100,000); at the rate of five percent (5%) upon all amounts in excess  
11   of one hundred thousand dollars (\$100,000) and not exceeding two hundred fifty thousand dollars  
12   (\$250,000); at the rate of six percent (6%) upon all amounts in excess of two hundred fifty  
13   thousand dollars (\$250,000) and not exceeding five hundred thousand dollars (\$500,000); at the  
14   rate of seven percent (7%) upon all amounts in excess of five hundred thousand dollars  
15   (\$500,000) and not exceeding seven hundred fifty thousand dollars (\$750,000); at the rate of eight  
16   percent (8%) upon all amounts in excess of seven hundred fifty thousand dollars (\$750,000) and  
17   not exceeding one million dollars (\$1,000,000); at the rate of nine percent (9%) upon all amounts  
18   in excess of one million dollars (\$1,000,000). An additional tax is imposed at the rate of two

1 percent (2%) upon all or any part of each estate devised, bequeathed, or conveyed in such manner  
2 that it becomes necessary to postpone the assessment of taxes imposed by this chapter until the  
3 person entitled to the estate comes into beneficial enjoyment or possession of the estate; and  
4 provided, further, that an additional tax is not assessed and collected, as provided in §§ 44-23-9 --  
5 44-23-12, in case a settlement of taxes is effected under the provisions of § 44-23-25.

6 (b)(1) In computing the value of the net estate in subsection (a) of this section, there is  
7 deducted from the estate and exempted from the tax twenty-five thousand dollars (\$25,000).

8 (2) In computing the value of the net estate in subsection (a) of this section, there is  
9 deducted from the estate and exempted from the tax all property, including, but not limited to,  
10 stock in trade, used by the decedent in the conduct of their trade or business, up to the value of  
11 five million dollars (\$5,000,000).

12 (c) In computing the value of the net estate in subsection (a) of this section, there is  
13 deducted from the estate and exempted from the tax all property or interests transferred to any  
14 corporation, association, or institution located in Rhode Island which is exempt from taxation by  
15 charter or under the laws of this state; or to any corporation, association, or institution located  
16 outside of this state, which if located within this state, would be exempt from taxation; provided,  
17 that the state of domicile of the corporation, association, or institution allows a reciprocal  
18 exemption to any similar Rhode Island corporation, association, or institution; or to any person in  
19 trust for the same or for use by the same for charitable purposes; or to any city or town in this  
20 state for public purposes.

21 (d) In computing the value of the net estate in subsection (a) of this section, there is  
22 deducted from the estate and exempted from the tax United States civil and federal military  
23 service annuity payments.

24 (e) In computing the value of the net estate in subsection (a) of this section, there is  
25 deducted from the estate and exempted from the estate tax a marital deduction, as defined in 26  
26 U.S.C. § 2056, in the amount of one hundred seventy-five thousand dollars (\$175,000), from  
27 property or beneficial interests which pass or have passed from the decedent to the surviving  
28 spouse, but only to the extent that the interests are included in determining the value of the gross  
29 estate.

30 (f) (1) In computing the value of the net estate in subsection (a) of this section, there is  
31 deducted from the estate and exempted from the estate tax, an orphan's deduction, provided, that:  
32 (i) the decedent does not have a surviving spouse, and (ii) the decedent is survived by a minor  
33 child who, immediately after the death of the decedent, has no known parent, an amount equal to  
34 the value of any interest in property which passes or has passed from the decedent to the child,

1 but only to the extent that the interest is included in determining the value of the gross estate. The  
2 aggregate amount of the deductions allowed under this section (computed without regard to this  
3 subsection) with respect to interests in property passing to any minor child shall not exceed an  
4 amount equal to five thousand dollars (\$5,000) multiplied by the excess of twenty-one (21) over  
5 the age (in years) which the child has attained on the date of the decedent's death.

6 (2) For purposes of this subsection, any term used in the subsection has the same  
7 meaning as when used in a comparable context in 26 U.S.C. § 2057 unless a different meaning is  
8 clearly required.

9 (g) Notwithstanding any other provisions of this chapter, the total estate tax payment on  
10 account of the estate of a decedent whose death occurs on or after January 1, 1986, is that  
11 percentage of the estate tax which would be payable under this chapter determined in accordance  
12 with the following schedule:

13 (1) Death prior to January 1, 1987. - Ninety percent (90%) in the case of decedents  
14 whose deaths occur on or after January 1, 1986, and prior to January 1, 1987;

15 (2) Death prior to January 1, 1988. - Eighty percent (80%) in the case of decedents  
16 whose deaths occur on or after January 1, 1987, and prior to January 1, 1988;

17 (3) Death prior to January 1, 1989. - Sixty percent (60%) in the case of decedents whose  
18 deaths occur on or after January 1, 1988, and prior to January 1, 1989;

19 (4) Death prior to January 1, 1990. - Forty percent (40%) in the case of decedents whose  
20 deaths occur on or after January 1, 1989, and prior to January 1, 1990;

21 (5) Death prior to June 1, 1990. - Twenty percent (20%) in the case of decedents whose  
22 deaths occur on or after January 1, 1990, and prior to June 1, 1990;

23 (6) Death prior to January 1, 1992. - Forty percent (40%) in the case of decedents whose  
24 deaths occur on or after June 1, 1990, and prior to January 1, 1992.

25 (7) Death on or after January 1, 1992. - The estate tax payable on or account of the estate  
26 of a decedent whose death occurs on or after January 1, 1992, is determined in accordance with §  
27 44-22-1.1.

28 (h) The estate tax payable under this section shall in no event be less than the estate tax  
29 due under § 44-22-1.1, computed without regard to the date of death.

30 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 exempt from the estate tax property used in the conduct of a trade or
- 2 business up to the value of five million dollars (\$5,000,000).
- 3           This act would take effect upon passage.

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