

4-29-10
House ways + memo vote 10-9

Draft Amendment to SB 450-FN

1 Amend the bill by replacing all after section 102 with the following:

2

3 103 Taxation of Transfers of Certain Estates. RSA 87:1 is repealed and reenacted to read as
4 follows:

5 87:1 Tax Imposed; Exemption.

6 I. An estate tax is hereby imposed upon the transfer of the estate of every decedent leaving a
7 taxable estate for which the gross value after allowable deductions, as defined by the Internal
8 Revenue Code of 1986, is greater than \$2,000,000, and who has property within this state.

9 II. The first \$2,000,000 of the gross value of the decedent's estate shall be exempt from the
10 estate tax.

11 III. The amount of the New Hampshire estate tax shall be equal to 8 percent of the gross
12 value of the portion of the decedent's taxable estate that exceeds the exemption in paragraph II.

13 IV. If only a portion of the decedent's estate is located in this state, the tax shall be
14 determined as follows:

15 (a) For a decedent who, at the time of death, was a resident of this state, the
16 New Hampshire estate tax shall be reduced by an amount determined by multiplying the entire
17 amount of the tax by the percentage which the gross value of the real and tangible property portion
18 of the decedent's estate located outside of this state bears to the gross value of the entire estate.

19 (b) For a decedent who, at the time of death, was not a resident of this state, the
20 New Hampshire estate tax shall be determined by multiplying the entire amount of the tax by the
21 percentage which the gross value of the real and tangible property portion of the decedent's estate
22 located in this state bears to the gross value of the entire estate.

23 104 Authority to Audit. Amend RSA 87:36, II to read as follows:

24 II. The department may, on its own motion, undertake such an audit upon written notice to
25 the executor, administrator, or legatee within the statute of limitations as provided in RSA 21-J:29[
26 ~~except that where a change is reported as provided in RSA 87:10, such notice shall be provided~~
27 ~~within 6 months of the receipt of such amended return].~~

28 105 Repeal. The following are repealed:

29 I. RSA 87:7, relative to intent of chapter.

30 II. RSA 87:9, relative to chapter void, when.

31 III. RSA 87:10, relative to adjustments.

32 106 Effective Date.

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- 1 I. Section 5 of this act shall take effect as provided in section 33 of this act.
2 II. Sections 13, 14, 16, 67-74, 77-80, and 92-99 of this act shall take effect July 1, 2010.
3 III. Sections 75 and 76 shall take effect June 15, 2010.
4 IV. Sections 103-105 shall take effect January 1, 2011.
5 V. The remainder of this act shall take effect upon its passage.

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AMENDED ANALYSIS

42. This amendment changes the rate of the New Hampshire estate tax to 8 percent of the gross value of the portion of the decedent's taxable estate that exceeds \$2,000,000.