# STATE OF NEW YORK

6765

2019-2020 Regular Sessions

# IN ASSEMBLY

March 19, 2019

Introduced by M. of A. MONTESANO, BARCLAY, BRABENEC, GIGLIO, CROUCH, McDONOUGH, RAIA, PALMESANO -- Multi-Sponsored by -- M. of A. THIELE -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to increasing credits against taxes imposed on the transfer of the New York estate by every deceased individual who at his or her death was a resident of New York state

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Subsection (c) of section 952 of the tax law, as added by section 2 of part X of chapter 59 of the laws of 2014, is amended to read as follows:

(c) Applicable credit amount. (1) A credit of the applicable credit amount shall be allowed against the tax imposed by this section as provided in this subsection. In the case of a decedent whose New York taxable estate is less than or equal to the basic exclusion amount, the applicable credit amount shall be the amount of tax that would be due under subsection (b) of this section on such decedent's New York taxable estate. In the case of a decedent whose New York taxable estate exceeds the basic exclusion amount [~~by an amount that is less than or equal to five percent of such amount~~], the applicable credit amount shall be the amount of tax that would be due under subsection (b) of this section [~~if the amount on which the tax is to be computed were~~] equal to the **maximum** basic exclusion amount [~~multiplied by one minus a fraction, the numerator of which is the decedent's New York taxable estate minus the basic exclusion amount, and the denominator of which is five percent of the basic exclusion amount~~]. Provided, however, that the credit allowed by this subsection shall not exceed the tax imposed by this section[~~, and no credit shall be allowed to the estate of any decedent whose New York taxable estate exceeds one hundred five percent of the basic exclusion amount~~].

EXPLANATION--Matter in ***italics*** (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD10701-01-9

(2) (A) For purposes of this section, the basic exclusion amount shall be as follows:

| In the case of decedents dying on or after: | The basic exclusion amount is: |
|---|---|
| April 1, 2014 and before April 1, 2015 | $ 2,062,500 |
| April 1, 2015 and before April 1, 2016 | 3,125,000 |
| April 1, 2016 and before April 1, 2017 | 4,187,500 |
| April 1, 2017 and before January 1, 2019 | 5,250,000 |
| **January 1, 2019 and before January 1, 2020** | **11,200,000** |

(B) In the case of any decedent dying in a calendar year beginning on or after January first, two thousand [~~**nineteen**~~] **twenty**, the basic exclusion amount shall be equal to:

(i) [~~**five million dollars**~~] **eleven million two hundred thousand dollars**, multiplied by

(ii) one plus the cost-of-living adjustment, which shall be the percentage by which the consumer price index for the preceding calendar year exceeds the consumer price index for calendar year two thousand ten.

(C) (i) For purposes of this paragraph, "consumer price index" means the most recent consumer price index for all-urban consumers published by the United States department of labor.

(ii) For purposes of clause (ii) of subparagraph (B) of this paragraph, the consumer price index for any calendar year shall be the average of the consumer price index as of the close of the twelve-month period ending on August thirty-first of such calendar year.

(iii) If any amount adjusted under this paragraph is not a multiple of ten thousand dollars, such amount shall be rounded to the nearest multiple of ten thousand dollars.

§ 2. This act shall take effect immediately.