

DEPARTMENT OF TAXATION

2010 Fiscal Impact Statement

1. **Patron** Timothy D. Hugo

2. **Bill Number** HB 981

3. **Committee** House Finance

House of Origin:

 X **Introduced**

 Substitute

 Engrossed

4. **Title** Individual Income Tax; Deduction for Military Retirement Compensation

Second House:

 In Committee

 Substitute

 Enrolled

5. **Summary/Purpose:**

This bill would allow an individual income tax deduction for the amount of annual retirement compensation received for service as a member of the U.S. Armed Forces. A taxpayer could not claim this deduction if he has also claimed the age deduction on his individual income tax return.

This bill would be effective for taxable years beginning on and after January 1, 2010.

6. **Fiscal Impact Estimates are:** Preliminary. (See Line 8.)

6b. **Revenue Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2009-10	\$0	GF
2010-11	(\$242.6 million)	GF
2011-12	(\$163.5 million)	GF
2012-13	(\$165.4 million)	GF
2013-14	(\$167.1 million)	GF
2014-15	(\$168.8 million)	GF
2015-16	(\$170.7 million)	GF

7. **Budget amendment necessary:** Yes.

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8. **Fiscal implications:**

Administrative Costs

TAX has not assigned any administrative costs to this bill because the changes required by a single bill such as this can be implemented as part of the annual changes to our systems and forms. As stand-alone legislation, TAX considers implementation of this bill as "routine," and does not require additional funding.

TAX will provide specific administrative costs on any legislation that is not "routine." Additionally, TAX will review all state tax legislation likely to be enacted prior to the passage by each house. If the aggregate number of routine bills likely to pass either house is unusually large, it is possible that additional resources will be required. If so, TAX will identify the costs at that time.

Revenue Impact

According to the "Fiscal Year 2008 Department of Defense Statistical Report on the Military Retirement System," there are 155,710 non-disabled individuals living in Virginia who are receiving retirement compensation paid by the Department of Defense or the Coast Guard. Of these individuals, 51,628 are 65 or older and the remaining 104,083 are younger than 65. These groups receive average annual retirement compensation of \$30,344 and \$26,304, respectively. Based on this analysis, it was determined that, for those over 65, the deduction for military retirement income would be more advantageous than the existing age deduction, which allows a deduction of up to \$12,000 for taxpayers aged 65 and over.

Using this data, it was estimated that this bill would have a significant negative revenue impact. This bill would decrease General Fund revenue by \$242.6 million for Fiscal Year 2011, \$163.5 million for Fiscal Year 2012, \$165.4 million for Fiscal Year 2013, \$167.1 million for Fiscal Year 2014, \$168.8 million for Fiscal Year 2015, and \$ 170.7 million for Fiscal Year 2016.

9. Specific agency or political subdivisions affected:

Department of Taxation

10. Technical amendment necessary: No.

11. Other comments:

Other States

At least thirty-four states offer some form of tax benefit to those receiving military retirement compensation, although this number also includes states that provide benefits for a wide variety of form of retirement income. Out of those states, thirteen offer a complete tax exemption. Twenty-one states allow taxpayers to exclude a specified amount of their military retirement compensation.

Out of the surrounding states, the District of Columbia, Maryland, and North Carolina offer exemptions ranging from \$3,000 to \$5,000. In addition, Kentucky and West Virginia offer exemptions of \$41,110 and \$20,000, respectively.

Military Tax Preferences

The Commonwealth provides the following subtractions to active duty and retired military personnel:

- The lesser of the income derived from 39 calendar days of service or \$3,000 for active and inactive members of the Virginia National Guard whose rank is O3 or less;
- All military pay and allowances for service in a combat zone or qualified hazardous duty area;
- The first \$15,000 of military basic pay reduced dollar for dollar by the amount of military basic pay that exceeds \$15,000; and
- All military retirement income for individuals awarded the Congressional Medal of Honor.

Age Deduction

The Commonwealth provides an individual income tax deduction of \$12,000 for individuals who are 65 or older that is available to all taxpayers, including retired military personnel. The amount of the deduction allowed for taxpayers whose income exceeds \$50,000 for single taxpayers and \$75,000 for married taxpayers is reduced by \$1 for every \$1 that the taxpayer's adjusted federal adjusted gross income exceeds \$50,000 for single taxpayers or \$75,000 for married taxpayers. For married taxpayers filing separately, the deduction is reduced by \$1 for every \$1 the total combined adjusted federal adjusted gross income of both spouses exceeds \$75,000.

Proposed Legislation

This bill would allow an individual income tax deduction for the amount of annual retirement compensation received for service as a member of the U.S. Armed Forces. A taxpayer could not claim this deduction if he has also claimed the age deduction on his individual income tax return.

Taxpayers who receive military retirement compensation and who have also been awarded the Congressional Medal of Honor would not be allowed to utilize both the Medal of Honor subtraction and this deduction because, if an item has already been excluded from income, it may not be subtracted again.

This bill would be effective for taxable years beginning on and after January 1, 2010.

cc : Secretary of Finance
Date: 1/17/2010 TG
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