

**DEPARTMENT OF TAXATION
2022 Fiscal Impact Statement**

1. **Patron** John J. McGuire, III

2. **Bill Number** HB 1128

3. **Committee** House Finance

House of Origin:
 Introduced
 Substitute
 Engrossed

4. **Title** Individual Income Tax; Subtraction for Military Benefits.

Second House:
 In Committee
 Substitute
 Enrolled

5. Summary/Purpose:

The Department of Taxation (“the Department”) understands that the Patron intends to introduce a substitute for this bill. This fiscal impact statement is drafted based on the substitute version of this bill.

This bill would provide an individual income tax subtraction for up to \$20,000 of military benefits in Taxable Year 2022, up to \$30,000 in Taxable Year 2023, and up to \$40,000 in Taxable Year 2024 and each year thereafter.

This is Executive Legislation.

6. **Budget amendment necessary:** Yes.

Item(s): Page 1, Revenue Estimates

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

7b. Revenue Impact:

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Fund</i> |
|---------------------------|-----------------------|--------------------|
| 2022-23 | (\$287 million) | GF |
| 2023-24 | (\$228 million) | GF |
| 2024-25 | (\$241 million) | GF |
| 2025-26 | (\$249 million) | GF |
| 2026-27 | (\$258 million) | GF |
| 2027-28 | (\$267 million) | GF |

8. Fiscal implications:

Administrative Costs

The Department implementation of this bill as routine, and does not require additional funding.

Revenue Impact

This bill would have an estimated negative General Fund Revenue impact of \$287 million in Fiscal Year 2023, \$228 million in Fiscal Year 2024, \$241 million in Fiscal Year 2025, \$249 million in Fiscal Year 2026, \$258 million in Fiscal Year 2027, and \$267 million in Fiscal Year 2028.

9. Specific agency or political subdivisions affected:

Department of Taxation

10. Technical amendment necessary: No.

11. Other comments:

Virginia Military Tax Preferences

Taxpayers may subtract the following military-related items for the purposes of computing Virginia taxable income:

- Wages or salaries received for service in the Virginia National Guard, not exceeding income for thirty-nine days of service or \$3,000, whichever is less. This subtraction only applies to persons in the ranks of O3 and below.
- All military pay and allowances earned while serving in a combat zone or qualified hazardous duty area, to the extent they were included in federal adjusted gross income.
- \$15,000 of military basic pay for military personnel on extended active duty for periods in excess of ninety days. The subtraction amount is reduced dollar-for-dollar by the amount which the taxpayer's military basic pay exceeds \$15,000 and will be reduced to zero if such pay is equal to or exceeds \$30,000.
- Any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.
- The amount of military death gratuity payments received after September 11, 2001, by survivors of military personnel who are killed in the line of duty. This subtraction amount must be reduced dollar-for-dollar by the amount that is allowed as an exclusion from federal adjusted gross income to the survivor on his or her federal income tax return.

For taxable years beginning on or after January 1, 2011, Virginia exempts from taxation the real property, including the joint real property of a husband and wife, and the land, not exceeding one acre, upon which the real property is situated of any military veteran who has been rated by the VA to have a 100 percent service-connected, permanent, and total disability, and who occupies the real property as his or her principal place of residence. The surviving spouse of a veteran may also qualify for this exemption, so long as the

following conditions are met: the veteran's death occurred on or after January 1, 2011; the surviving spouse does not remarry; and the surviving spouse continues to occupy such real property as his or her principal place of residence.

Proposed Legislation

This bill would provide an individual income tax subtraction for up to \$20,000 of military benefits in Taxable Year 2022, up to \$30,000 in Taxable Year 2023, and up to \$40,000 in Taxable Year 2024 and each year thereafter.

This bill would define "military benefits" as any:

- Military retirement income received for service in the Armed Forces of the United States;
- Qualified military benefits received pursuant to a section of the Internal Revenue Code regarding certain military benefits;
- Benefits paid to the surviving spouse of a veteran of the Armed Forces of the United States under the Survivor Benefit Plan program established by the U.S. Department of Defense, and
- Military benefits paid to the surviving spouse of a veteran of the Armed Forces of the United States.

This subtraction would not be allowed if a credit, exemption, subtraction, or deduction is claimed for the same income pursuant to any other provision of Virginia or federal law.

Similar Legislation

Senate Bills 528 and **586** are identical to this bill.

House Bill 1045 would provide an individual income tax subtraction of up to \$10,000 in annual retirement compensation for Taxable Year 2022, \$20,000 in Taxable Year 2023, \$30,000 in Taxable Year 2024, and \$40,000 for Taxable Year 2025 and thereafter for veterans of the United States Armed Forces who are at least 65 years old.

House Bill 1069 would provide an individual income tax subtraction for up to \$40,000 in annual retirement compensation received by a veteran for service as a member of the United States Armed Forces, a reservist in the United States Armed Forces, or a member of the Virginia National Guard.

Senate Bill 381 would provide an individual income tax subtraction of up to \$40,000 of military retirement income received by a veteran who is 55 years of age or older and who was honorably discharged after active duty service in the United States Armed Forces, the reserve components of the United States Armed Forces, or the National Guard of Virginia or any other state.

House Bill 233 would increase the income tax subtraction for wages or salaries of a member of the National Guard of the Commonwealth from \$3,000 to \$5,000, and expand the military ranks that qualify for the subtraction from O3 and below to O6 and below.

cc : Secretary of Finance

Date: 2/1/2022 RWC
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