

1 **INCOME TAX CREDIT FOR COMBAT RELATED DEATH**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Merlynn T. Newbold**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill provides a nonrefundable individual income tax credit for a combat related
10 death.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms; and
- 14 ▶ provides a nonrefundable individual income tax credit for a combat related death.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 This bill has retrospective operation for a taxable year beginning on or after January 1,
19 2010.

20 **Utah Code Sections Affected:**

21 ENACTS:

22 **59-10-1025**, Utah Code Annotated 1953

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section **59-10-1025** is enacted to read:

26 **59-10-1025. Nonrefundable tax credit for combat related death.**

27 (1) As used in this section:



28 (a) "Active component of the United States Armed Forces" means active duty service
29 in the United States Army, United States Navy, United States Air Force, United States Marine
30 Corps, or United States Coast Guard.

31 (b) "Combat related death" means an individual who dies:

32 (i) on or after January 1, 2010; and

33 (ii) (A) while in military service in a combat zone; or

34 (B) as a result of a wound, disease, or injury the individual incurs while in military
35 service in a combat zone.

36 (c) "Combat zone" means an area that the President of the United States designates by
37 Executive Order as an area in which an active component of the United States Armed Forces or
38 a Reserve Component of the United States Armed Forces are or have engaged in combat.

39 (d) "Military service in a combat zone" means service:

40 (i) in an active component of the United States Armed Forces or reserve component of
41 the United States Armed Forces; and

42 (ii) performed:

43 (A) on or after the date the President of the United States designates by Executive
44 Order as the date combatant activities begin in a combat zone; and

45 (B) on or before the date the President of the United States designates by Executive
46 Order as the date combatant activities terminate in a combat zone.

47 (e) "Reserve component of the United States Armed Forces" means service in a reserve
48 component of the armed forces listed in 10 U.S.C. Sec. 101(c) or 10 U.S.C. Sec. 10101.

49 (2) A claimant, estate, or trust that files a return on behalf of an individual who dies a
50 combat related death may claim a nonrefundable tax credit against that individual's tax liability
51 under this chapter as provided in this section.

52 (3) For purposes of Subsection (2), the tax credit is equal to the tax liability of the
53 individual who dies a combat related death for the taxable year during which the individual
54 dies.

55 **Section 2. Retrospective operation.**

56 This bill has retrospective operation for a taxable year beginning on or after January 1,
57 2010.

Legislative Review Note
as of 1-28-11 8:56 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 94

SHORT TITLE: **Income Tax Credit for Combat Related Death**

SPONSOR: **Newbold, M.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill could reduce the Education Fund by \$7,800 annually.

| STATE BUDGET DETAIL TABLE | FY 2011 | FY 2012 | FY 2013 |
|-------------------------------------|-----------|-----------|-----------|
| Revenue: | | | |
| Education Fund | (\$7,800) | (\$7,800) | (\$7,800) |
| Total Revenue | (\$7,800) | (\$7,800) | (\$7,800) |
| Expenditure | \$0 | \$0 | \$0 |
| Net Impact, All Funds (Rev.-Exp.) | (\$7,800) | (\$7,800) | (\$7,800) |
| Net Impact, General/Education Funds | (\$7,800) | (\$7,800) | (\$7,800) |

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill would provide approximately a \$1,300 to 6 families annually. No impact is expected on businesses.