

**DEPARTMENT OF TAXATION
2022 Fiscal Impact Statement**

1. **Patron** John J. McGuire, III
3. **Committee** Senate Finance and Appropriations
4. **Title** Individual Income Tax; Subtraction for Military Benefits

2. **Bill Number** HB 1128
House of Origin:
 Introduced
 Substitute
 Engrossed
- Second House:**
 X **In Committee**
 Substitute
 Enrolled

5. Summary/Purpose:

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 contains an emergency clause which states that it would be in force from its passage.

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.

This bill contains an emergency clause which states that it would be in force from its passage.

Similar Legislation

Senate Bills 528 would provide an individual income tax subtraction for military benefits received by a person 60 years of age or older of up to \$5,000 in Taxable Year 2022, \$10,000 in Taxable Year 2023, \$15,000 in Taxable Year 2024, and \$20,000 in Taxable Year 2025 and each year thereafter.

cc : Secretary of Finance

Date: 2/22/2022 RWC
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