

1 HB90
2 173075-1
3 By Representative Greer
4 RFD: Ways and Means Education
5 First Read: 03-FEB-16

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8 SYNOPSIS: Currently, income from defined contribution
9 deferred compensation plans is taxable as state
10 income.

11 This bill would provide that \$50,000 of such
12 annual income is exempt. The exemption would be
13 phased in over a five-year period.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 To amend Section 40-18-19, Code of Alabama 1975, as
20 amended by Act 2015-442, relating to exemptions from state
21 income taxation; to provide for exemptions of certain amounts
22 of annual income received as a benefit from defined
23 contribution deferred compensation plans; and to provide for a
24 period of five years to fully implement the exemption.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 40-18-19, Code of Alabama 1975,
2 as amended by Act 2015-442 of the 2015 Regular Session, is
3 amended to read as follows:

4 "§40-18-19.

5 "(a) The following exemptions from income taxation
6 shall be allowed to every individual resident taxpayer:

7 "(1) Retirement allowances, pensions and annuities,
8 or optional allowances, approved by the Board of Control of
9 the Teachers' Retirement System of Alabama, which exempt
10 status is set out in Section 16-25-23.

11 "(2) Retirement allowances, pensions and annuities,
12 or optional allowances, approved by the Board of Control of
13 the Employees' Retirement System of Alabama, which exempt
14 status is set out in Section 36-27-28.

15 "(3) The first eight thousand dollars (\$8,000) of
16 any retirement compensation, retirement allowances, pensions
17 and annuities, or optional allowances, received by any
18 eligible firefighter, as defined in Sections 36-32-1 and
19 36-32-2, or his or her designated beneficiary, from any
20 firefighting agency established in the State of Alabama, but
21 only if such retirement compensation, retirement allowances,
22 pensions and annuities, or optional allowances as are awarded
23 as a result of fire protection services rendered. This
24 subdivision shall become effective for the taxable years
25 beginning January 1, 1987, and thereafter following its
26 passage and approval by the Governor, or upon its otherwise
27 becoming a law; provided, that for the taxable years beginning

1 on or after January 1, 1991, all of the pension and retirement
2 payments shall be exempt from taxation.

3 "(4) The first eight thousand dollars (\$8,000) of
4 any retirement compensation, retirement allowances, pensions
5 and annuities, or optional allowances received by any eligible
6 peace officer, as defined in subsection (11) of Section
7 36-21-60, or his or her designated beneficiary, from any
8 police retirement system established in the State of Alabama,
9 but only if the retirement compensation, retirement
10 allowances, pensions and annuities, or optional allowances are
11 awarded as a result of police services rendered. This
12 subdivision shall become effective for taxable years beginning
13 January 1, 1984, and thereafter; provided, that for the
14 taxable years beginning on or after January 1, 1991, all of
15 the pension and retirement payments shall be exempt from
16 taxation.

17 "(5) Income received as annuities under the United
18 States Retirement System from the United States Government
19 Civil Service Retirement and Disability Fund including income
20 received from the Tennessee Valley Authority's pension system,
21 income received as annuities under the United States Foreign
22 Service Retirement and Disability Fund, or income received
23 from any other United States government retirement and
24 disability fund.

25 "(6) Beginning January 1, 1991, all payments made on
26 or after such date to a retiree or his designated beneficiary
27 under a "defined benefit plan," as defined under Section

1 414(j) of the Internal Revenue Code of 1986, as amended from
2 time to time, to the extent such payment would be taxable for
3 federal income tax purposes.

4 "(7) Net income realized by individuals and
5 partnerships from time to time in the business of conducting a
6 financial business employing moneyed capital coming into
7 competition with the business of national banks, but only if
8 such individuals and partnerships are subject to an excise tax
9 imposed by this state on or with respect to such income.

10 "(8) In the case of a single person or a married
11 person not living with husband or wife, a personal exemption
12 of one thousand five hundred dollars (\$1,500) or, in the case
13 of a head of a family or a married person living with husband
14 or wife, a personal exemption of three thousand dollars
15 (\$3,000), but a husband and wife living together shall receive
16 only one personal exemption of three thousand dollars (\$3,000)
17 against their aggregate income, and in case they make separate
18 returns each must claim a personal exemption of one thousand
19 five hundred dollars (\$1,500).

20 "(9) a. Three hundred dollars (\$300) for each
21 person, other than husband or wife, dependent upon the
22 taxpayer, and over half of whose support, for the calendar
23 year in which the taxable year for the taxpayer begins, was
24 received from the taxpayer.

25 "b. For tax years beginning after December 31, 2006,
26 for taxpayers with adjusted gross income equal to or less than
27 \$20,000, one thousand dollars for each person other than

1 husband or wife, dependent upon the taxpayer, and over half of
2 whose support, for the calendar year in which the taxable year
3 for the taxpayer begins, was received from the taxpayer.

4 "c. For tax years beginning after December 31, 2006,
5 for taxpayers with adjusted gross income in excess of \$20,000
6 and equal to or less than \$100,000, five hundred dollars for
7 each person other than husband and wife, dependent upon the
8 taxpayer, and over half of whose support, for the calendar
9 year in which the taxable year for the taxpayer begins, was
10 received from the taxpayer.

11 "For the purposes of this section, "dependent" shall
12 mean: A son or daughter of the taxpayer or a descendant of
13 either; a stepson or stepdaughter of the taxpayer; a brother,
14 sister, stepbrother, or stepsister of the taxpayer; the father
15 or mother of the taxpayer or an ancestor of either; a
16 stepfather or stepmother of the taxpayer; a son or daughter of
17 a brother or sister of the taxpayer; a brother or sister of
18 the father or mother of the taxpayer; a son-in-law,
19 daughter-in-law, father-in-law, mother-in-law, brother-in-law,
20 or sister-in-law of the taxpayer. As used in this paragraph
21 the terms "brother" and "sister" include a brother or sister
22 by the half blood. For the purpose of determining whether any
23 of the foregoing relationships exist, a legally adopted child
24 of a person shall be considered a child of such a person by
25 blood.

26 "(10) Beginning January 1, 1998, all income,
27 interest, dividends, gains, or benefits of any kind received

1 from savings accounts or prepaid tuition contracts
2 administered under Title 16, Chapter 33C, are exempt from all
3 income taxation by the state and by all of its political
4 subdivisions to the extent that the amounts remain on deposit
5 in the PACT Trust Fund or the ACES Trust Fund, or are used to
6 pay the designated beneficiary's qualified higher education
7 expenses as defined in Section 529 of the Internal Revenue
8 Code of 1986, as amended, or are refunded under such terms as
9 would not carry a penalty under Section 529 of the Internal
10 Revenue Code of 1986, as amended.

11 "(11) Beginning January 1, 2016, all income,
12 interest, dividends, gains or benefits of any kind received
13 from ABLE savings accounts administered under Title 16,
14 Chapter 33C, are exempt from all income taxation by the state
15 and by all of its political subdivisions to the extent that
16 the amounts remain on deposit in the ABLE Trust Fund, or are
17 used to pay the designated beneficiary's qualified disability
18 expenses as defined in Section 529A of the Internal Revenue
19 Code of 1986, as amended, or are refunded under such terms as
20 would not carry a penalty under Section 529A of the Internal
21 Revenue Code of 1986, as amended, or other applicable federal
22 law.

23 "(12)a.1. Beginning January 1, 2017, up to ten
24 thousand dollars (\$10,000) of annual income received as a
25 benefit from a defined contribution deferred compensation plan
26 shall be exempt from income taxation by the state and by all
27 of its political subdivisions.

1 "2. Beginning January 1, 2018, up to twenty thousand
2 dollars (\$20,000) of annual income received as a benefit from
3 a defined contribution deferred compensation plan shall be
4 exempt from income taxation by the state and by all of its
5 political subdivisions.

6 "3. Beginning January 1, 2019, up to thirty thousand
7 dollars (\$30,000) of annual income received as a benefit from
8 a defined contribution deferred compensation plan shall be
9 exempt from income taxation by the state and by all of its
10 political subdivisions.

11 "4. Beginning January 1, 2020, up to forty thousand
12 dollars (\$40,000) of annual income received as a benefit from
13 a defined contribution deferred compensation plan shall be
14 exempt from income taxation by the state and by all of its
15 political subdivisions.

16 "5. Beginning January 1, 2021, and each tax year
17 thereafter, up to fifty thousand dollars (\$50,000) of annual
18 income received as a benefit from a defined contribution
19 deferred compensation plan shall be exempt from income
20 taxation by the state and by all of its political
21 subdivisions.

22 "b. The Department of Revenue may adopt rules as
23 necessary to implement and administer this subdivision.

24 "(b) Of the following personal exemptions allowed
25 resident taxpayers, each nonresident individual taxpayer shall
26 be allowed that proportion thereof that the adjusted gross
27 income received by ~~said~~ a nonresident individual taxpayer from

1 sources within the State of Alabama bears to his or her
2 adjusted gross income received from sources within and without
3 the State of Alabama: In the case of a single person or a
4 married person not living with husband or wife, a personal
5 exemption of one thousand five hundred dollars (\$1,500) or, in
6 the case of a head of a family or a married person living with
7 husband or wife, a personal exemption of three thousand
8 dollars (\$3,000), a husband and wife living together shall
9 receive but one personal exemption of three thousand dollars
10 (\$3,000) against their aggregate income; and, in case they
11 make separate returns, each must claim a personal exemption of
12 one thousand five hundred dollars (\$1,500); and the amount in
13 subdivision (9) of subsection (a) for each person, other than
14 husband or wife, dependent upon and receiving his or her chief
15 support from the taxpayer."

16 Section 2. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.