

1 HB351
2 198331-1
3 By Representatives Greer, Mooney, Wingo, Wilcox, Crawford,
4 Robertson, Fridy, McMillan, South, Ledbetter, Carns, Whitt,
5 Faust, Brown (K), Nordgren, Moore (P), Estes, Scott, Garrett,
6 Gaston, Wood (D), Hanes, Pettus, Whorton, Sanderford, Oliver,
7 Sorrell, Johnson, Lipscomb, Ball, Hurst, Rich and Farley
8 RFD: Ways and Means Education
9 First Read: 04-APR-19

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

11 This bill would provide that 90 percent of
12 those distributions, up to \$30,000, is exempt from
13 income tax. This exemption will be phased in over a
14 three-year period.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 To amend Section 40-18-19, Code of Alabama 1975, as
21 amended by Act 2018-232, relating to exemptions from state
22 income taxation; to provide that 90 percent of the
23 distribution from a defined contribution deferred compensation
24 plan, up to \$30,000, is exempt from state income tax; and to
25 phase in the exemption over a three-year period.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 40-18-19, Code of Alabama 1975,
2 as amended by Act 2018-232 of the 2018 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 subdivision (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) Beginning January 1, 2018, amounts received by
24 an individual from sources within a foreign country or
25 countries which constitute a housing allowance, and earned
26 income attributable to services performed by such individual
27 received during the tax period are exempt from all income

1 taxation by the state and by all of its political subdivisions
2 to the extent such income is exempt from federal income tax
3 pursuant to 26 U.S.C. Section 911.

4 "(13) Beginning January 1, 2020, 90 percent of the
5 distributions from a defined contribution deferred
6 compensation plan, up to ten thousand dollars (\$10,000).
7 Beginning January 1, 2021, 90 percent of the distributions
8 from a defined contribution deferred compensation plan, up to
9 twenty thousand dollars (\$20,000). Beginning January 1, 2022,
10 and each year thereafter, 90 percent of the distributions from
11 a defined contribution deferred compensation plan, up to
12 thirty thousand dollars (\$30,000).

13 "(b) Of the following personal exemptions allowed
14 resident taxpayers, each nonresident individual taxpayer shall
15 be allowed that proportion thereof that the adjusted gross
16 income received by said nonresident individual taxpayer from
17 sources within the State of Alabama bears to his or her
18 adjusted gross income received from sources within and without
19 the State of Alabama: In the case of a single person or a
20 married person not living with husband or wife, a personal
21 exemption of one thousand five hundred dollars (\$1,500) or, in
22 the case of a head of a family or a married person living with
23 husband or wife, a personal exemption of three thousand
24 dollars (\$3,000), a husband and wife living together shall
25 receive but one personal exemption of three thousand dollars
26 (\$3,000) against their aggregate income; and, in case they
27 make separate returns, each must claim a personal exemption of

1 one thousand five hundred dollars (\$1,500); and the amount in
2 subdivision (9) of subsection (a) for each person, other than
3 husband or wife, dependent upon and receiving his chief
4 support from the taxpayer."

5 Section 2. The Department of Revenue may enact rules
6 as necessary to implement and administer the provisions of
7 this act.

8 Section 3. This act shall become effective
9 immediately following its passage and approval by the
10 Governor, or its otherwise becoming law.