HB162

217551-5

By Representatives Greer, Mooney, Whitt, Clouse, Lee, Marques, Faust, Ingram, Wilcox, Ball, Sorrell, Smith and Lipscomb

RFD: Ways and Means Education

First Read: 18-JAN-22
ENROLLED, An Act,

To amend Section 40-18-19, Code of Alabama 1975, relating to exemptions from state income taxation; to provide that up to $6,000 of taxable retirement income is exempt from state income tax for individuals who are 65 years of age or older.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Lynn Greer Retirement Income Tax Cut Act of 2022.

Section 2. Section 40-18-19, Code of Alabama 1975, is amended to read as follows:

"§40-18-19.

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

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

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

"(3) The first eight thousand dollars ($8,000) of any retirement compensation, retirement allowances, pensions
and annuities, or optional allowances, received by any eligible firefighter, as defined in Sections 36-32-1 and 36-32-2, or his or her designated beneficiary, from any firefighting agency established in the State of Alabama, but only if such retirement compensation, retirement allowances, pensions and annuities, or optional allowances as are awarded as a result of fire protection services rendered. This subdivision shall become effective for the taxable years beginning January 1, 1987, and thereafter following its passage and approval by the Governor, or upon its otherwise becoming a law; provided, that for the taxable years beginning on or after January 1, 1991, all of the pension and retirement payments shall be exempt from taxation.

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

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

"(6) Beginning January 1, 1991, all payments made on
or after such date to a retiree or his designated beneficiary
under a "defined benefit plan," as defined under Section
414(j) of the Internal Revenue Code of 1986, as amended from
time to time, to the extent such payment would be taxable for
federal income tax purposes.

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

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

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

"b. For tax years beginning after December 31, 2006, for taxpayers with adjusted gross income equal to or less than $20,000 twenty thousand dollars ($20,000), one thousand dollars ($1,000) for each person other than husband or wife, dependent upon the taxpayer, and over half of whose support, for the calendar year in which the taxable year for the taxpayer begins, was received from the taxpayer.

"c. For tax years beginning after December 31, 2006, for taxpayers with adjusted gross income in excess of $20,000 twenty thousand dollars ($20,000) and equal to or less than $100,000 one hundred thousand dollars ($100,000), five hundred dollars ($500) for each person other than husband and wife, dependent upon the taxpayer, and over half of whose support,
for the calendar year in which the taxable year for the
taxpayer begins, was received from the taxpayer.

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

"(10) Beginning January 1, 1998, all income,
interest, dividends, gains, or benefits of any kind received
from savings accounts or prepaid tuition contracts
administered under Title 16, Chapter 33C, are exempt from all
income taxation by the state and by all of its political
subdivisions to the extent that the amounts remain on deposit
in the PACT Trust Fund or the ACES Trust Fund, or are used to
pay the designated beneficiary's qualified higher education
expenses as defined in Section 529 of the Internal Revenue
Code of 1986, as amended, or are refunded under such terms as
would not carry a penalty under Section 529 of the Internal
Revenue Code of 1986, as amended.

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

"(12) Beginning January 1, 2018, amounts received by
an individual from sources within a foreign country or
countries which constitute a housing allowance, and earned
income attributable to services performed by such individual
received during the tax period are exempt from all income
taxation by the state and by all of its political subdivisions
to the extent such income is exempt from federal income tax
pursuant to 26 U.S.C. Section 911.
"(13) a. Beginning January 1, 2023, the first six thousand dollars ($6,000) of taxable retirement income.

"b. This exemption may only be claimed by individual taxpayers who are 65 years of age or older.

"(b) Of the following personal exemptions allowed resident taxpayers, each nonresident individual taxpayer shall be allowed that proportion thereof that the adjusted gross income received by said nonresident individual taxpayer from sources within the State of Alabama bears to his or her adjusted gross income received from sources within and without the State of Alabama: In the case of a single person or a married person not living with husband or wife, a personal exemption of one thousand five hundred dollars ($1,500) or, in the case of a head of a family or a married person living with husband or wife, a personal exemption of three thousand dollars ($3,000), a husband and wife living together shall receive but one personal exemption of three thousand dollars ($3,000) against their aggregate income; and, in case they make separate returns, each must claim a personal exemption of one thousand five hundred dollars ($1,500); and the amount in subdivision (9) of subsection (a) for each person, other than husband or wife, dependent upon and receiving his or her chief support from the taxpayer."
Section 3. The Department of Revenue may enact rules as necessary to implement and administer the provisions of this act.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.
Speaker of the House of Representatives

I hereby certify that the within Act originated in and was passed by the House 09-MAR-22, as amended.

Jeff Woodard
Clerk

House of Representatives

05-APR-22

Amended and Passed

06-APR-22

Concurred in Senate Amendment

Senate

House