

<< S152

Senate Bill 153

S154 >>

**Military State Income Tax Relief.
2017-2018 Session**

View Available Bill Summaries		Last Action:	
Bill Text	Fiscal Note	Ref To Com On Rules and Operations of the Senate on 03/02/2017	
Filed (HTML)		Sponsors: Rabin; Sanderson; Britt; (Primary) Bryant; Clark; D. Davis; Robinson; <u>Smith-Ingram</u> ;	
Edition 1 (HTML)		Attributes: Public;	
		Counties: <i>No counties specifically cited</i>	
		Statutes: 105 (Chapter); 105-153.4, 105-153.5 (Sections)	
		Keywords: ARMED FORCES, PERSONNEL, PUBLIC, TAXATION, TAXES, INDIVIDUAL INCOME	

History 			
Date	Chamber	Action	Documents
03/01/2017	Senate	Filed	DRS45118-MC-3
03/02/2017	Senate	Passed 1st Reading	
03/02/2017	Senate	Ref To Com On Rules and Operations of the Senate	

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2017-2018 Session 

Bill Number: enter bill # (i.e., S253) [Look-Up](#)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 153

Short Title: Military State Income Tax Relief. (Public)

Sponsors: Senators Rabin, Sanderson, Britt (Primary Sponsors); Bryant, Clark, D. Davis, Robinson, and Smith-Ingram.

Referred to: Rules and Operations of the Senate

March 2, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE INCOME TAX RELIEF FOR MEMBERS OF THE ARMED FORCES
3 OF THE UNITED STATES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 105-153.4(a) reads as rewritten:

6 "(a) Residents. – For an individual who is a resident of this State, the term "North Carolina
7 taxable income" means the taxpayer's adjusted gross income as modified in G.S. 105-153.5 and
8 G.S. 105-153.6 and G.S. 105-134.6A. North Carolina taxable income does not include the military
9 pay of an active service member of any branch of the Armed Forces of the United States for any
10 period of time the service member is not present in this State if the service member is a North
11 Carolina resident and the service member is not present in this State solely in compliance with
12 military orders reassigning the service member to a permanent duty station located outside of the
13 State."

14 SECTION 2. G.S. 105-153.5(b) reads as rewritten:

15 "(b) Other Deductions. – In calculating North Carolina taxable income, a taxpayer may
16 deduct from the taxpayer's adjusted gross income any of the following items that are included in
17 the taxpayer's adjusted gross income:

18 ...
19 (5) The amount received during the taxable year from one or more State, local, or
20 federal government retirement plans to the extent the amount is exempt from
21 tax under this Part pursuant to a court order in settlement of any of the
22 following cases:cases listed in this subdivision. Amounts deducted under this
23 subdivision may not also be deducted under subdivision (5a) of this subsection.

24 a. Bailey v. State, 92 CVS 10221, 94 CVS 6904, 95 CVS 6625, 95 CVS
25 8230.

26 b. Emory v. State, 98 CVS 0738.

27 c. Patton v. State, 95 CVS 04346.

28 (5a) The amount received during the taxable year from the United States
29 government as retirement pay for a retired member of the Armed Forces of the
30 United States or as survivorship benefits for survivors of active duty or retired
31 members of the Armed Forces of the United States. Amounts deducted under
32 this subdivision may not also be deducted under subdivision (5) of this
33 subsection.

34"



1 **SECTION 3.** This act is effective for taxable years beginning on or after January 1,
2 2017.

Representatives Bill Brawley (Finance Committee Senior Chair), Jason Saine
(Senior Chair) and Representative Jonathan Jordan
16 West Jones Street
Raleigh, NC 27601

Dear House Finance Committee Senior Chairs:

House Bill 103, Equal Tax Treatment of Gov't Retirees was filed on Feb 14th and referred to your Committee on Feb 16th. This measure eliminates the inequitable treatment of military and civilians, state and federal who were not grandfathered under the original Bailey, Emory, Patton agreement (Bailey).

In short the Bailey agreement exempted from income tax those military and civilian persons who had five years of service as of August 2, 1989. Employees and service members who do not meet this criteria have their full retirement pay or pension subject to tax.

I believe it is inequitable to treat our retirees differently and urge you to discuss this matter with your colleagues in the legislature. Please recommend to your fellow legislators that they end this inequity by passing into law House Bill 103.

But first and importantly, we need your favorable endorsement as Chairs and our local representative

Thank you for your time and attention. With best wishes, I am,

Very truly yours

High Country Chapter, Military
Officers Association of America