Department of Legislative Services

Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 100 (Delegate Hixson, *et al.*)

Ways and Means Budget and Taxation

Income Tax Subtraction Modification - Retirement Income of Law Enforcement, Fire, Rescue, and Emergency Services Personnel

This bill allows retirement income to qualify for the State pension exclusion if the individual is at least 55 years old and the retirement income is attributable to employment as a law enforcement officer or as fire, rescue, or emergency services personnel of the United States, the State, or a local jurisdiction. Emergency services personnel includes emergency medical technicians and paramedics. The maximum exclusion in the tax year is limited to $15,000.

The bill takes effect July 1, 2017, and applies to tax year 2017 and beyond.

Fiscal Summary

State Effect: General fund revenues decrease by $3.7 million in FY 2018 due to additional retirement income being exempted. Future year estimates reflect the projected number of eligible taxpayers. Expenditures are not affected.

($ in millions)	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
GF Revenue	($3.7)	($3.8)	($3.9)	($4.0)	($4.1)
Expenditure	0	0	0	0	0
Net Effect	($3.7)	($3.8)	($3.9)	($4.0)	($4.1)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local revenues decrease by $2.5 million in FY 2018 and by $2.8 million in FY 2022. Local expenditures are not affected.

Small Business Effect: None.

Analysis

Current Law: Maryland law provides a pension exclusion (in the form of a subtraction modification) for individuals who are at least 65 years old or who are totally disabled. Under this subtraction modification, up to a specified maximum amount of taxable pension income ($29,400 for 2016) may be exempt from tax. The maximum exclusion allowed is indexed to the maximum annual benefit payable under the Social Security Act and is reduced by the amount of any Social Security payments received (Social Security offset).

The Social Security offset is the reduction in the maximum pension exclusion allowed under current law for an individual. The Social Security offset was established at the same time as the pension exclusion. Given that Social Security benefits are exempt from Maryland income tax even though benefits are partially taxable for federal purposes, the offset works to equalize the tax treatment of individuals who receive their retirement benefits from different sources by reducing the amount of the allowable exclusion by the amount of any Social Security benefits received.

One significant feature of the current pension exclusion is that it is limited to income received from an employee retirement system. Eligible employee retirement systems are retirement plans established and maintained by an employer for the benefit of its employees and qualified under Sections 401(a), 403, or 457(b) of the Internal Revenue Code. These include defined benefit and defined contribution pension plans, 401(k) plans, 403(b) plans, and 457(b) plans. However, individual retirement arrangements, Keogh plans, and simplified employee pension plans are not considered employee retirement systems.

In addition to the special treatment of Social Security and other retirement income, additional income tax relief is provided to senior citizens regardless of the source of their income. Each individual age 65 and older is allowed a $1,000 personal exemption in addition to the regular personal exemption allowed for all individuals.

Background: Public safety personnel participate in a variety of State and local pension systems. While many locations, including the State, provide systems or plans that are restricted only to law enforcement and/or public safety personnel, other jurisdictions may include such individuals in general employee pension plans. Most public employers provide defined benefit plans that offer death, disability, and retirement benefits based on accrued service and/or age.

Chapter 534 of 2004 established the Task Force on the Exemption of Law Enforcement Officers' Pensions from Taxation. The task force issued its final report in December 2004. The task force estimated there were 9,600 retired State and local law enforcement officers in the State. An analysis of State law enforcement systems concluded that approximately 17% of State police retirees retired with a disability. Certain disability pensions, including law enforcement disability pensions, are exempt from federal and State taxation. The task force also stated that there were a total of 83,000 federal law enforcement officers and that approximately 2,900 of these federal officers lived in the State.

State Revenues: Additional retirement income may be exempted beginning in tax year 2017. It is assumed that individuals do not adjust withholdings and estimated payments. As a result, general fund revenues will decrease by $3.7 million in fiscal 2018. **Exhibit 1** shows the estimated State and local revenue impacts resulting from the bill.

Exhibit 1
State and Local Revenue Impacts
Fiscal 2018-2022
($ in Millions)

	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
State	($3.7)	($3.8)	($3.9)	($4.0)	($4.1)
Local	(2.5)	(2.6)	(2.7)	(2.7)	(2.8)
Total	**($6.2)**	**($6.4)**	**($6.5)**	**($6.7)**	**($6.9)**

Local Revenues: Local income tax revenues decrease by about 3% of the total net State subtraction modifications claimed by taxpayers. As a result, local revenues will decrease by $2.5 million in fiscal 2018, as shown in Exhibit 1.

Additional Information

Prior Introductions: SB 1166 of 2016 received a hearing in the Senate Budget and Taxation Committee, but no further action was taken. Its cross file, HB 227, received a favorable with amendments report from the House Ways and Means Committee, passed the House, and was referred to the Senate Budget and Taxation Committee, but no further action was taken. Similar legislation was introduced in the 2014 and 2015 sessions. SB 594 of 2015 received an unfavorable report from the Senate Budget and Taxation Committee. Its cross file, HB 488, received a hearing in the House Ways and Means Committee, but no further action was taken. SB 115 of 2015 received a hearing in the Senate Budget and Taxation Committee, but no further action was taken. Its cross file, HB 99, received a hearing in the House Ways and Means Committee, but no further action was taken. HB 1461 of 2014 received a hearing in the House Ways and Means Committee, but no further action was taken.

Cross File: SB 597 (Senators Guzzone and Peters) – Budget and Taxation.

Information Source(s): U.S. Bureau of Labor Statistics; Comptroller's Office; State Retirement Agency; Department of Legislative Services

Fiscal Note History:	First Reader - January 30, 2017
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