



MARYLAND MILITARY COALITION

Serving Veterans through Legislative Advocacy

February 15, 2024

The Honorable Vanessa Atterbeary
Chair, Ways and Means Committee
Room 131
House Office Building
Annapolis, MD 21401

Subject: **Request for FAVORABLE Report** – HB0713 – Income Tax -- Subtraction Modification for Military Retirement Income – Individuals Under the Age of 55

Dear Chair Atterbeary and distinguished members of the Ways and Means Committee:

On behalf of the members of the Maryland Military Coalition (MMC) and as its Legislative Director, I write to recommend a **FAVORABLE report** by the Committee on *HB0713, Income Tax – Subtraction Modification for Military Retirement Income – Individuals Under the Age of 55*, sponsored by Delegate Mike Griffith. This legislation will increase the amount of the subtraction modification under the Maryland income tax for military retirement for individuals who are under the age of 55 and eliminate that age restriction.

This legislation will align Maryland with all four of its neighboring states which already have no age restriction regarding the exemption of military retirement income from their state income tax. It also makes the exemption amount of \$20,000 equal for *ALL* military retirees in the state. It places our state ahead of Delaware, which exempts only \$12,500 of military retirement income from its state income tax for all military retirees. The legislation, however, still has Maryland lagging behind Pennsylvania and West Virginia, where all military retirement income is exempt from state income tax, and behind Virginia where \$30,000 of this income will be exempt in tax year 2024 and \$40,000 exempt in tax year 2025 and beyond. More importantly, absent this legislation, Maryland will continue to be an exception to the 38 states that currently exempt military retirement income from their state income tax with no age restriction (Attachment 1).

This legislation is but a small step that addresses a major economic issue impacting Maryland's economy: domestic migration away from more expensive states such as Maryland. As pointed out in the Comptroller of Maryland's inaugural State of the Economy Report, Maryland's economic growth has stalled since 2017.¹ The report points out that while growth in federal employment in Maryland has been considerable in the post-pandemic recovery, private sector employment has not recovered to its pre-pandemic level. There are 3.1 job openings for every job seeker in Maryland, compared to the U.S. as a whole where there are 1.3 openings for every

¹ <https://www.marylandtaxes.gov/reports/static-files/SOTE.pdf>, Executive Summary

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job seeker. As an example, in Maryland, there are currently 9,285 openings for jobs that require any type of security clearance.²

The State of the Economy Report shows that Maryland has experienced domestic outmigration for the last ten years. Of the average 8,000 per year in that timespan who have left the state, 16 percent are between the age 35 and 54 with another 37 percent between the ages of 55 and 64.³ Combined, **over half of the average annual domestic migration out of Maryland has been those between the ages of 35 and 64.** Further, of those leaving who earned \$100,000 or more each year, 14 percent were between the ages 35 and 54 with 22 percent between the ages of 55 and 64, for a total of 36 percent.

Nationally, Maryland does not rate well when it comes to taxes. According to the Tax Foundation, **Maryland ranks 45th out of 50 states for its individual income tax.** Only Connecticut (#46), Hawaii (#47), New Jersey (#48), California (#49), and New York (#50) rank lower. All four contiguous states to Maryland have a higher ranking: Pennsylvania (#23), West Virginia (#25), Virginia (#34), and Delaware (#43).⁴

As of January 31, 2023, there were 51,835 military retirees in Maryland, receiving approximately \$1.968 billion in retirement income annually.⁵ **The number of military retirees has declined by 985 since the end of 2019 (see Attachment 2) and by 421 just between the end of 2021 and January 2023.** With a military retiree in Maryland receiving an average of \$37,962 during those 13 months, **that decline in the number of retirees resulted in approximately \$16 million less dollars coming into the state.**

Data from the Bureau of Revenue Estimates within the Comptroller of Maryland's Office (COM) indicates that for tax year 2020 of the 34,252 individuals who reported military retirement income on their tax returns, approximately 25 percent were younger than 55 (Attachment 3). While data is not yet available for tax years 2021, 2022, and 2023, at the very least this low percentage of filers under 55 is an indication that many of those individuals are not staying in Maryland upon their retirement from active duty.

Further, **as part of the domestic migration out of Maryland, military retirees are moving to states such as North Carolina where military retirement income from all the uniformed services is exempt from that state's income tax with no age restriction** (see Attachment 4). As early as 2019, it was pointed out to Maryland officials that a major part of a military retiree's decision of whether to remain in Maryland "is the amount to which their military pension will be taxed."⁶ Since then, the state has continued to see a decline in military retiree residents. **The**

² <https://www.clearancejobs.com/jobs/maryland>

³ <https://www.marylandtaxes.gov/reports/static-files/SOTE.pdf>, Executive Summary

⁴ Tax Foundation, 2024 State Business Tax Climate Index, <https://taxfoundation.org/research/all/state/2024-state-business-tax-climate-index/>

⁵ <https://actuary.defense.gov/>

⁶ <https://commerce.maryland.gov/Documents/ResearchDocument/employment-in-maryland-defense-study-HB-1542-2019.pdf>, page 32.

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fundamental issue is whether Maryland wants to retain this valuable human capital or continue to let this valuable resource leave the state.

The Maryland Military Coalition **strongly supports** HB0713 and asks for a **FAVORABLE** report from the Ways and Means Committee. By eliminating the age restriction and equalizing the amount of military retirement income that can be exempted, **HB0713**, if passed and signed into law, is only the first step that must be taken to mitigate the trend of continuing loss in the 35 to 54 age cohort and **help retain the human capital to help improve the state's economy going forward. It is also only the first step to be taken to make Maryland competitive with the 38 other states that exempt all military retirement income with no age restriction.**

The Maryland Military Coalition is a registered non-profit, non-partisan advocacy organization comprised of prominent Maryland-based veteran and military groups, representing over 150,000 service-connected individuals, including those currently serving, veterans, retirees and their families, caregivers, and survivors.

We want to thank Delegate Mike Griffith for sponsoring this legislation and his continued strong support of the uniformed services community, in particular, military retirees, in Maryland.

Respectfully,

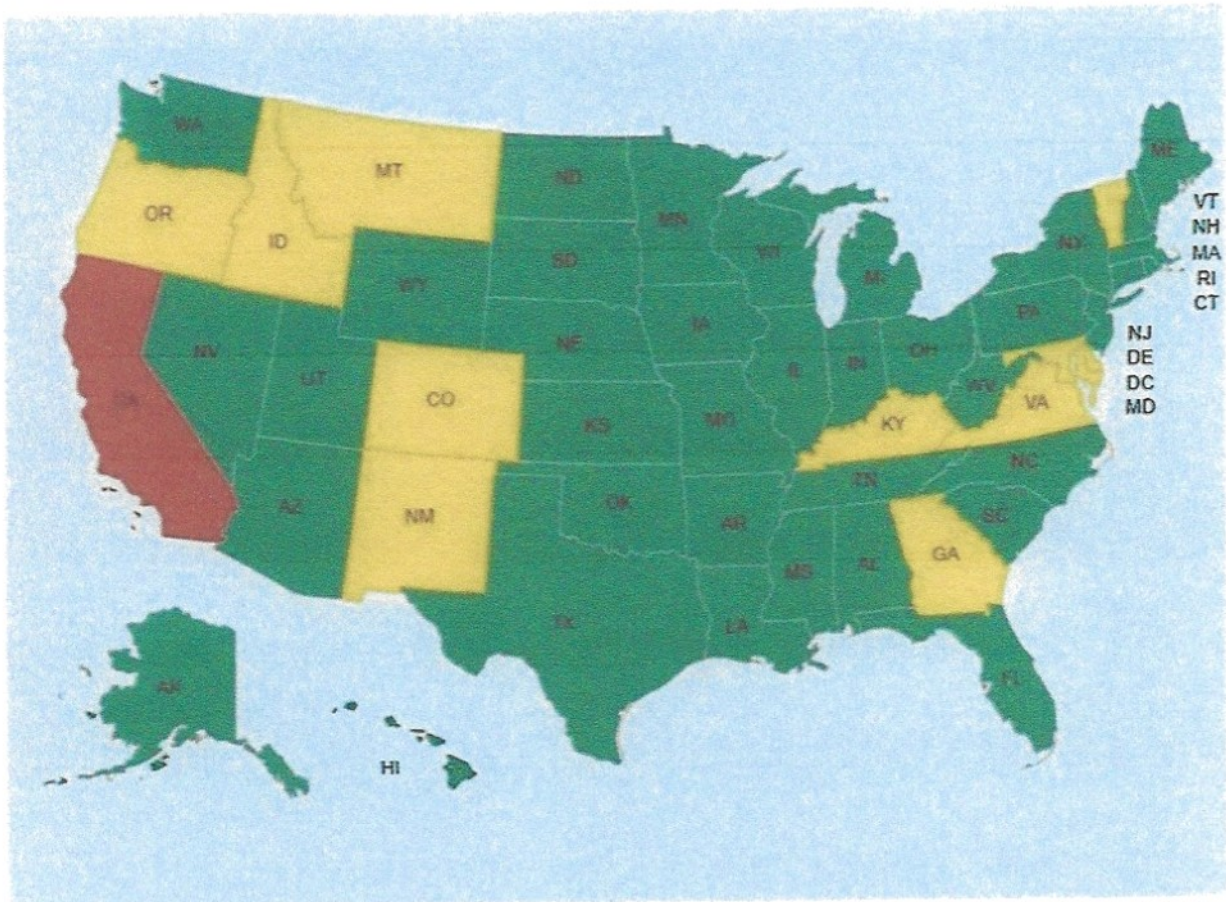


David L. Dragics
COL USA (Ret)
Legislative Director

Attachments (4)

States that ***DO NOT*** Tax Military Retired Pay

As of January 21, 2024



Map Legend

- **Green:** Both military retired pay (MRP and Survivor Benefit Plan payments (SBP) are fully exempt from state taxation
- **Yellow:** MRP and/or SBP receive partial exemption from state taxation
- **Red:** Neither MRP nor SBP is exempt from state taxation



MARYLAND MILITARY COALITION

UPDATED January 21, 2024 LISTINGS

The 38 States that Exempt Uniformed Services Retired Pay

As of January 21, 2024, 38 of the 50 states do not tax ALL uniformed retirement pay, and that figure includes the 9 states, marked with asterisks below (*), without any personal income tax:

1. Alabama ‡ ^{SS}	20. Nevada *
2. Alaska *	21. New Hampshire *
3. Arizona ☐ ‡ ^{SS}	22. New Jersey ‡ ^{SS} (+\$6K Vet deduction)
4. Arkansas ☐ ‡ ^{SS}	23. New York ‡ ^{SS}
5. Connecticut ‡ Military-only retired pay	24. North Carolina ‡ ^{SS} 2022 (+ USPHS/NOAA)
6. Florida *	25. North Dakota ‡ ^{SS} Military-only retired pay
7. Hawaii ‡ ^{SS}	26. Ohio ‡ ^{SS}
8. Illinois ☐ ‡ » ^{SS}	27. Oklahoma ☐ ^{SS}
9. Indiana ‡ ^{SS} Military-only retired pay	28. Pennsylvania ‡ » ^{SS}
10. Iowa ☐ ‡ ^{SS} 2023 ALL	29. Rhode Island Military-only retired pay
11. Kansas ‡ ^{SS}	30. South Carolina ‡ ^{SS} Military-only retired pay
12. Louisiana ‡ ^{SS}	31. South Dakota*
13. Maine ‡ ^{SS} Military-only retired pay	32. Tennessee*
14. Massachusetts ‡ ^{SS}	33. Texas*
15. Michigan ☐ ‡ ^{SS} Military-only retired pay	34. Utah ‡ Military-only retired pay
16. Minnesota ☐ ‡	35. Washington*
17. Mississippi ‡ » ^{SS}	36. West Virginia ‡ Military-only retired pay
18. Missouri ☐ ‡	37. Wisconsin ‡ ^{SS} Military-only retired pay
19. Nebraska ‡	38. Wyoming*

* 9 (Nine) States have no personal income tax

☐ Active Duty pay included

‡ SBP= Military Survivor Benefit Plan. Insurance on up to ½ of the military retiree's "pension" receive monthly upon the death of the sponsor.

» No tax on 401(k), IRA or pension distributions

^{SS} Social Security exempt (includes AL, AZ, AK, CA, DE, GA, HI, IA, ID, IL, IN, KY, LA, ME, MD, MA, MI, MS, NC, NJ, NY, OH, OK, OR, PA, SC, VA, WI, N=28)

Eleven (11) states and the District of Columbia currently tax a portion of a retiree's annual Retired Pay and, in the interest of brevity, only a short explanation of key special provisions is included here (consult individual state tax codes for full details):

Military Retirees and Survivors Maryland -- 2017 to 2023

As of 12/31	Total DoD Retired Receiving Pay from DoD	Total DoD Retired with VA Offset	Total Monthly Pay (\$1000)	Total Annual Pay (\$1000)	Total Survivors	Survivors with DIC Offset	Monthly Pay	Total Annual Pay (\$1000)	Total Retired & Survivors	Annual Change	Retiree Average Annual Pay (\$1000)	Survivor Average Annual Pay (\$1000)
2017	52,673	15,127	\$134,209	\$1,610,508	6,662	1,238	\$7,973	\$95,676	59,335		\$30,576	\$14,361
2018	52,728	14,989	\$138,655	\$1,663,860	6,515	1,223	\$7,982	\$95,784	59,243	(92)	\$31,556	\$14,702
2019	52,820	14,773	\$141,768	\$1,701,216	6,477	1,218	\$8,006	\$96,072	59,297	54	\$32,208	\$14,833
2020	52,666	14,530	\$143,611	\$1,723,332	6,551	1,275	\$8,156	\$97,872	59,217	(80)	\$32,722	\$14,940
2021	52,256	13,991	\$151,696	\$1,820,352	6,479	1,275	\$8,813	\$105,756	58,735	(482)	\$34,835	\$16,323
1/31/2023	51,835	12,788	\$163,980	\$1,967,760	6,348		\$10,168	\$122,016	58,183	(552)	\$37,962	\$19,221
-1.86% 2019 -2023 change:				(985)	Change from 2019 to 2023:				(1,114)	-1.9%		

The monthly amount of retired pay (in \$1,000) is the amount prior to deductions for tax withholdings and other allotments, but after deductions for Survivor Benefit Plan premiums, waivers/offsets from compensation/award received from the U.S. Department of Veterans Affairs (VA), etc.

Retirees with a VA waiver/offset are those with reduced DoD retired pay due to a VA compensation/award, i.e., after "Concurrent Receipt: benefits are paid.

Retiree and Survivor pay only includes payments from DoD. Payments from the VA for disability compensation/award or Dependency and Indemnity Compensation (DIC) are not included here. Due to NDAA 2020, the DIC offset to Survivor Pay is being phased out over the next year. (Footnote to 12/31/21 data)

Source: <https://actuary.defense.gov/>
 Military Retirement subheading; dropdown menu: Congressional Districts Reports, 2017-2023

January 31, 2024

By First Class US Mail and Email

Colonel David L. Dragics, U.S. Army, Ret.
Maryland Military Coalition
1101 Mercantile Lane, #260
Largo, Maryland 20774

Re: Maryland Public Information Act Request dated August 25, 2023

Dear Colonel Dragics:

The Comptroller of Maryland, Legal Division, has received your request under the Public Information Act, Annotated Code of Maryland, General Provisions Article ("GP"), § 4-101 *et seq.*, seeking records related to the number of filers who claimed the \$5,000 and \$15,000 subtraction for military retirement income. The Comptroller of Maryland received your request on August 25, 2023, and began to process it.

The Bureau of Revenue Estimates within the Comptroller of Maryland's Office ("COM") analyzed tax years 2020, 2021, and 2022 returns claiming the subtraction modification and determined that tax year 2020 was the most accurate and complete data. In tax year 2020, 39,318 tax returns claimed the military subtraction modification. Of these returns, 33,127 tax returns claimed the maximum subtraction modification under tax year 2020 tax law. The COM estimates 34,252 individuals reported military retirement on these tax returns, of which 78.2% were 55 and older and the remaining 25.2% were younger than 55. The average federal adjusted gross income of the tax returns that maxed out the subtraction modification is \$170,958.

If you have any questions about this letter, please feel free to contact me.

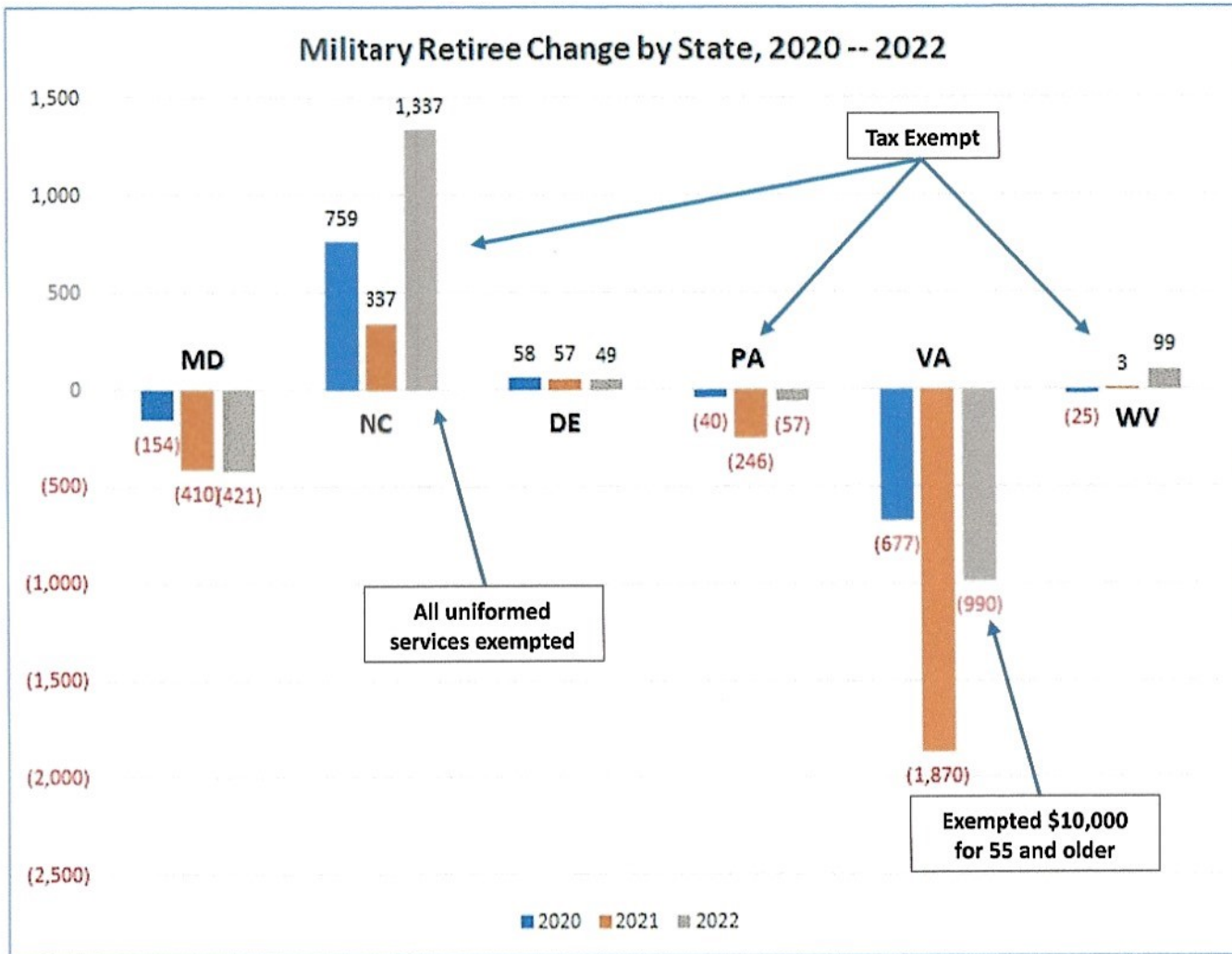
Best regards,

Jill Byczek
Jill Byczek
PIA Representative

cc: Debora Gorman, Esq.
Jayson Spiegel (by email)
Lynn A. Nash (by email)
James Monahan (by email)
John May (by email)
Mike Moses (by email)

Attachment 3





North Carolina, Delaware, Pennsylvania, and West Virginia have no age restrictions on military retirement income. Delaware exempts \$12,500.

Virginia taxed military retirement income before 2022. Exempted \$10,000 in 2022 for 55 and older and \$20,000 in 2023 for 55 and older. Virginia removed their age restriction beginning with Tax Year 2024. Will exempt \$30,000 in 2024 and \$40,000 in 2025 and beyond.

Source: <https://actuary.defense.gov/> Military Retirement subheading; dropdown menu; Congressional District Report, 2019-2023