

# House Amendment 1033

## Amendment Text

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1 1 Amend the Senate amendment, [H-1029](#), to [House File 1](#)  
1 2 as follows:  
1 3 #1. Page 1, by inserting after line 2 the  
1 4 following:  
1 5 "#\_\_\_\_. Page 1, by inserting before line 1 the  
1 6 following:  
1 7 "Section 1. Section [422.7](#), subsection 13, Code  
1 8 2001, is amended by striking the subsection and  
1 9 inserting in lieu thereof the following:  
1 10 13. a. For a person who is disabled, or is fifty-  
1 11 five years of age or older, or is the surviving spouse  
1 12 of an individual or a survivor having an insurable  
1 13 interest in an individual who would have qualified for  
1 14 the exemption under this paragraph for the tax year,  
1 15 subtract, to the extent included, the total amount of  
1 16 a governmental or other pension or retirement pay,  
1 17 including, but not limited to, defined benefit or  
1 18 defined contribution plans, annuities, individual  
1 19 retirement accounts, plans maintained or contributed  
1 20 to by an employer, or maintained or contributed to by  
1 21 a self-employed person as an employer, and deferred  
1 22 compensation plans or any earnings attributable to the  
1 23 deferred compensation plans, up to a maximum of eight  
1 24 thousand five hundred dollars for tax years beginning  
1 25 in the 2001 calendar year, twelve thousand dollars for  
1 26 tax years beginning in the 2002 calendar year, and the  
1 27 total amount of pension included for tax years  
1 28 beginning on or after January 1, 2003, for a person,  
1 29 other than a husband or wife, who files a separate  
1 30 state income tax return and up to a maximum of  
1 31 seventeen thousand dollars for tax years beginning in  
1 32 the 2001 calendar year, twenty-four thousand dollars  
1 33 for tax years beginning in the 2002 calendar year, and  
1 34 the total amount of pension included for tax years  
1 35 beginning on or after January 1, 2003, for a husband  
1 36 and wife who file a joint state income tax return.  
1 37 However, a surviving spouse who is not disabled or  
1 38 fifty-five years of age or older can only exclude the  
1 39 amount of pension or retirement pay received as a  
1 40 result of the death of the other spouse. A husband  
1 41 and wife filing separate state income tax returns or  
1 42 separately on a combined state return are allowed a  
1 43 combined maximum exclusion under this paragraph of up  
1 44 to seventeen thousand dollars for tax years beginning  
1 45 in the 2001 calendar year, and twenty-four thousand  
1 46 dollars for tax years beginning in the 2002 calendar  
1 47 year. The seventeen thousand dollar or twenty-four  
1 48 thousand dollar exclusion, as applicable, shall be  
1 49 allocated to the husband or wife in the proportion  
1 50 that each spouse's respective pension and retirement  
2 1 pay received bears to total combined pension and  
2 2 retirement pay received.  
2 3 b. Subtract, to the extent included, the amount of  
2 4 additional social security benefits taxable under the  
2 5 Internal Revenue Code for tax years beginning on or  
2 6 after January 1, 1994, but before January 1, 2006.  
2 7 The amount of social security benefits taxable as

2 8 provided in section 86 of the Internal Revenue Code,  
2 9 as amended up to and including January 1, 1993,  
2 10 continues to apply for state income tax purposes for  
2 11 tax years beginning on or after January 1, 1994, but  
2 12 before January 1, 2006.

2 13 c. Subtract, to the extent included after the  
2 14 subtraction in paragraph "b", the following:

2 15 (1) For tax years beginning in the 2004 calendar  
2 16 year, one-third of taxable social security benefits  
2 17 received.

2 18 (2) For tax years beginning in the 2005 calendar  
2 19 year, two-thirds of taxable social security benefits  
2 20 received.

2 21 d. Married taxpayers, who file a joint federal  
2 22 income tax return and who elect to file separate  
2 23 returns or who elect separate filing on a combined  
2 24 return for state income tax purposes, shall allocate  
2 25 between the spouses the amount of benefits subtracted  
2 26 under paragraphs "b" and "c" from net income in the  
2 27 ratio of the social security benefits received by each  
2 28 spouse to the total of these benefits received by both  
2 29 spouses.

2 30 e. Subtract, to the extent included, the amount of  
2 31 social security benefits taxable under section 86 of  
2 32 the Internal Revenue Code for tax years beginning on  
2 33 or after January 1, 2006.

2 34 Sec. \_\_\_\_\_. Section [422.7](#), subsection 31, Code 2001,  
2 35 is amended by striking the subsection."

2 36 #2. Page 1, line 22, by striking the words and  
2 37 figures "2002, and December 31, 2002" and inserting  
2 38 the following: "2005, and December 31, 2005".

2 39 #3. Page 1, line 24, by striking the words and  
2 40 figures "2002, and December 31, 2002" and inserting  
2 41 the following: "2005, and December 31, 2005".

2 42 #4. Page 1, line 29, by striking the words and  
2 43 figures "2003, and December 31, 2003" and inserting  
2 44 the following: "2006, and December 31, 2006".

2 45 #5. Page 1, line 31, by striking the words and  
2 46 figures "2003, and December 31, 2003" and inserting  
2 47 the following: "2006, and December 31, 2006".

2 48 #6. Page 1, line 36, by striking the words and  
2 49 figures "2004, and December 31, 2004" and inserting  
2 50 the following: "2007, and December 31, 2007".

3 1 #7. Page 1, line 38, by striking the words and  
3 2 figures "2004, and December 31, 2004" and inserting  
3 3 the following: "2007, and December 31, 2007".

3 4 #8. Page 1, line 43, by striking the words and  
3 5 figures "2005, and December 31, 2005" and inserting  
3 6 the following: "2008, and December 31, 2008".

3 7 #9. Page 1, line 45, by striking the words and  
3 8 figures "2005, and December 31, 2005" and inserting  
3 9 the following: "2008, and December 31, 2008".

3 10 #10. Page 1, line 50, by striking the figure  
3 11 "2006" and inserting the following: "2009".

3 12 #11. Page 2, line 1, by striking the figure "2006"  
3 13 and inserting the following: "2009".

3 14 #12. Page 2, by inserting after line 5 the  
3 15 following:

3 16 "#\_\_\_\_. Page 1, line 33, by inserting after the  
3 17 word "enactment." the following: "The sections of  
3 18 this Act amending Code section [422.7](#), subsections 13  
3 19 and 31, apply retroactively to January 1, 2001, for  
3 20 tax years beginning on or after that date."

3 21 #13. Page 2, by striking lines 6 and 7 and  
3 22 inserting the following:

3 23 "#\_\_\_\_. Title page, by striking lines 1 through 4  
3 24 and inserting the following: "An Act relating to

3 25 state taxes imposed on retirement benefits under the  
3 26 individual income tax and imposed on the gross  
3 27 receipts from the sale, furnishing, or service of  
3 28 metered gas and electricity and of fuel used in  
3 29 residential-type dwellings and including effective and  
3 30 retroactive applicability date provisions." "

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