

DEPARTMENT OF TAXATION

2026 Fiscal Impact Statement

1. **Patron** Jeremy S. McPike

2. **Bill Number** SB 148

3. **Committee** Senate Finance and Appropriations

4. **Title** Income Tax Subtraction; Military Retirement Benefits; Uniformed Services.

5. **House of Origin:**
 Introduced
 Substitute
 Engrossed

6. **Second House:**
 In Committee
 Substitute
 Enrolled

5. Summary/Purpose:

This bill would expand the military benefits income tax subtraction by changing the definition of “military benefits” to include retirement income received for service in the uniformed services of the United States, which includes the United States Armed Forces, the commissioned corps of the National Oceanic and Atmospheric Administration, and the commissioned corps of the United States Public Health Service. Under current law, an up to \$40,000 subtraction is allowed for retirement income received only for service in the United States Armed Forces.

If passed during the 2026 General Assembly Session, this bill would be effective July 1, 2026.

6. **Budget amendment necessary:** Yes.
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7. **Fiscal Impact Estimates are:** Preliminary (See Line 8.)
7b. Revenue Impact:

Fiscal Year	Dollars	Fund
2027	(\$1,330,000)	GF
2028	(\$950,000)	GF
2029	(\$1,000,000)	GF
2030	(\$1,060,000)	GF
2031	(\$1,120,000)	GF
2032	(\$1,190,000)	GF

8. Fiscal implications:

Administrative Costs

The Department of Taxation (“the Department”) considers implementation of this bill as routine and does not require additional funding.

This legislation does not require significant changes to the Department's systems and is not impacted by the first phase of the Integrated Revenue Management System ("IRMS") replacement project. No resource constraints or implementation considerations are anticipated.

Revenue Impact

This bill would have an estimated negative General Fund revenue impact as shown on Line 7b. This revenue impact assumes that this bill would be effective for taxable years beginning on and after January 1, 2026.

9. Specific agency or political subdivisions affected:

Department of Taxation

10. Technical amendment necessary: Yes.

As currently drafted, the change in the definition of "military benefits" would take effect on July 1, 2026, which is in the middle of the taxable year for taxpayers who file on a calendar basis. To ensure that a "military benefits" has the same meaning for the entirety of Taxable Year 2026, the following amendment is suggested.

Line 222, Insert: "2. That the provisions of this bill are effective for taxable years beginning on and after January 1, 2026."

11. Other comments:

Virginia Military Tax Preferences

Taxpayers may subtract the following military-related items for the purposes of computing Virginia taxable income:

- Wages or salaries received for service in the Virginia National Guard, not exceeding income for thirty-nine days of service or \$5,500, whichever is less. This subtraction only applies to persons in the ranks of O6 and below.
- All military pay and allowances earned while serving in a combat zone or qualified hazardous duty area, to the extent they were included in federal adjusted gross income.
- \$15,000 of military basic pay for military personnel on extended active duty for periods in excess of ninety days. The subtraction amount is reduced dollar-for-dollar by the amount which the taxpayer's military basic pay exceeds \$15,000 and will be reduced to zero if such pay is equal to or exceeds \$30,000.
- The amount of military death gratuity payments received after September 11, 2001, by survivors of military personnel who are killed in the line of duty. This subtraction amount must be reduced dollar-for-dollar by the amount that is allowed as an exclusion from federal adjusted gross income to the survivor on his or her federal income tax return.

- Any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.
- Up to \$40,000 of military benefits in Taxable Year 2025 and each taxable year thereafter.

For taxable years beginning on or after January 1, 2011, Virginia exempts from taxation the real property, including the joint real property of a husband and wife, and the land, not exceeding one acre, upon which the real property is situated of any military veteran who has been rated by the VA to have a 100 percent service-connected, permanent, and total disability, and who occupies the real property as his or her principal place of residence. The surviving spouse of a veteran may also qualify for this exemption, so long as the following conditions are met: the veteran's death occurred on or after January 1, 2011; the surviving spouse does not remarry; and the surviving spouse continues to occupy such real property as his or her principal place of residence.

Virginia's Individual Income Tax Modifications

Federal Adjusted Gross Income

Virginia's Individual Income Tax substantially conforms to federal income tax law by using federal adjusted gross income ("FAGI") as the starting point for computing Virginia income taxes. Virginia law then provides various modifications to FAGI that must be taken into account that figure in determining Virginia taxable income.

Virginia Adjusted Gross Income

When completing a Virginia individual income tax return, a taxpayer starts with the amount of FAGI reported on his federal return. A taxpayer then calculates Virginia adjusted gross income by making two types of adjustments: (1) "additions" which increase the amount of income taxable by Virginia and (2) "subtractions" which reduce such amount. These adjustments are made only to the extent that they have not already been included or excluded from FAGI.

Virginia Taxable Income

The taxpayer calculates his Virginia taxable income by making another type of modification referred to as "deductions," which further reduce the amount of income taxable by Virginia. These modifications are made regardless of federal treatment unless specifically stated otherwise in the provision.

Please find below an illustration of how taxable income is computed for federal and Virginia income tax purposes and how they interrelate:

Federal Income Tax	Virginia Income Tax
+Wages and Other Income	= <i>Federal Adjusted Gross Income</i> ("FAGI")
+Federal Adjustments	+Virginia Additions (only if not included in <u>FAGI</u>)
-Federal Adjustments	-Virginia Subtractions (only if not excluded from <u>FAGI</u>)
= <i>Federal Adjusted Gross Income</i> ("FAGI")	= <i>Virginia Adjusted Gross Income</i> ("VAGI")
-Federal Standard Deduction or Itemized Deductions	-Virginia Standard Deduction or Federal Itemized Deductions (depends on federal election)
- <u>QBI</u> Deduction	-Deduction for Virginia Exemptions -Virginia Deductions (regardless of federal treatment)
= <i>Federal Taxable Income</i>	= <i>Virginia Taxable Income</i>

Because this bill would expand the military benefits income tax subtraction, the amount allowed under this bill could be taken whether the taxpayer chooses to take the Virginia standard deduction or itemize their deductions.

Proposal

This bill would expand the military benefits income tax subtraction by changing the definition of "military benefits" to include retirement income received for service in the uniformed services of the United States, which includes the United States Armed Forces, the commissioned corps of the National Oceanic and Atmospheric Administration, and the commissioned corps of the United States Public Health Service. Under current law, an up to \$40,000 subtraction is allowed for retirement income received only for service in the United States Armed Forces.

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Similar Bills

HB 47 is substantially similar to this bill, except that it would create a new subtraction for U.S. Foreign Service benefits in addition to expanding the military retirement subtraction to include benefits received by individuals in the uniformed services of the United States.

HB 137 would incrementally eliminate the cap on the military benefits subtraction, reaching full subtraction by Taxable Year 2030.

HB 588 would eliminate the cap on the military benefits subtraction, allowing the full subtraction beginning in 2026.

HB 697 would provide a nonrefundable tax credit, for taxable years 2026-2030, for qualifying real property taxes paid by certain surviving spouses of disabled veterans, subject to \$5 million annual cap.

cc : Secretary of Finance

Date: 01/19/2026 SJH
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