

SENATE, No. 290

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

Senator CHRIS A. BROWN

District 2 (Atlantic)

Co-Sponsored by:

Senators A.M.Bucco and T.Kean

SYNOPSIS

Removes income eligibility cap applicable to gross income tax pension and retirement income exclusion.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 1/7/2021)

1 **AN ACT** removing the income eligibility cap applicable to the gross
 2 income tax pension and retirement income exclusion, amending
 3 N.J.S.54A:6-10 and P.L.1977, c.273.

4
 5 **BE IT ENACTED** by the Senate and General Assembly of the State
 6 of New Jersey:

7
 8 1. N.J.S.54A:6-10 is amended to read as follows:
 9 54A:6-10. Pensions and annuities.

10 a. Gross income shall not include that part of any amount
 11 received as an annuity under an annuity, endowment, or life
 12 insurance contract which bears the same ratio to such amount as the
 13 investment in the contract as of the annuity starting date bears to the
 14 expected return under the contract as of such date. Where (1) part
 15 of the consideration for an annuity, endowment, or life insurance
 16 contract is contributed by the employer, and (2) during the three-
 17 year period beginning on the date on which an amount is first
 18 received under the contract as an annuity, the aggregate amount
 19 receivable by the employee under the terms of the contract is equal
 20 to or greater than the consideration for the contract contributed by
 21 the employee, then all amounts received as an annuity under the
 22 contract shall be excluded from gross income until there has been so
 23 excluded an amount equal to the consideration for the contract
 24 contributed by the employee.

25 b. (1) In addition to that part of any amount received as an
 26 annuity which is excludable from gross income as herein provided,
 27 gross income shall not include payments:

28 for taxable years beginning before January 1, 2000, of up to
 29 \$10,000 for a married couple filing jointly, \$5,000 for a married
 30 person filing separately, or \$7,500 for an individual filing as a
 31 single taxpayer or an individual determining tax pursuant to
 32 subsection a. of N.J.S.54A:2-1;

33 for the taxable year beginning on or after January 1, 2000, but
 34 before January 1, 2001, of up to \$12,500 for a married couple filing
 35 jointly, \$6,250 for a married person filing separately, or \$9,375 for
 36 an individual filing as a single taxpayer or an individual
 37 determining tax pursuant to subsection a. of N.J.S.54A:2-1;

38 for the taxable year beginning on or after January 1, 2001, but
 39 before January 1, 2002, of up to \$15,000 for a married couple filing
 40 jointly, \$7,500 for a married person filing separately, or \$11,250 for
 41 an individual filing as a single taxpayer or an individual
 42 determining tax pursuant to subsection a. of N.J.S.54A:2-1;

43 for the taxable year beginning on or after January 1, 2002, but
 44 before January 1, 2003, of up to \$17,500 for a married couple filing
 45 jointly, \$8,750 for a married person filing separately, or \$13,125 for

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 an individual filing as a single taxpayer or an individual
2 determining tax pursuant to subsection a. of N.J.S.54A:2-1;
3 for taxable years beginning on or after January 1, 2003, but
4 before January 1, 2017 of up to \$20,000 for a married couple filing
5 jointly, \$10,000 for a married person filing separately, or \$15,000
6 for an individual filing as a single taxpayer or an individual
7 determining tax pursuant to subsection a. of N.J.S.54A:2-1;
8 for taxable years beginning on or after January 1, 2017, but
9 before January 1, 2018, of up to \$40,000 for a married couple filing
10 jointly, \$20,000 for a married person filing separately, or \$30,000
11 for an individual filing as a single taxpayer or an individual
12 determining tax pursuant to subsection a. of N.J.S.54A:2-1;
13 for taxable years beginning on or after January 1, 2018, but
14 before January 1, 2019, of up to \$60,000 for a married couple filing
15 jointly, \$30,000 for a married person filing separately, or \$45,000
16 for an individual filing as a single taxpayer or an individual
17 determining tax pursuant to subsection a. of N.J.S.54A:2-1;
18 for taxable years beginning on or after January 1, 2019, but
19 before January 1, 2020, of up to \$80,000 for a married couple filing
20 jointly, \$40,000 for a married person filing separately, or \$60,000
21 for an individual filing as a single taxpayer or an individual
22 determining tax pursuant to subsection a. of N.J.S.54A:2-1;
23 for taxable years beginning on or after January 1, 2020, of up to
24 \$100,000 for a married couple filing jointly, \$50,000 for a married
25 person filing separately, or \$75,000 for an individual filing as a
26 single taxpayer or an individual determining tax pursuant to
27 subsection a. of N.J.S.54A:2-1,
28 which are received as an annuity, endowment or life insurance
29 contract, or payments of any such amounts which are received as
30 pension, disability, or retirement benefits, under any public or
31 private plan, whether the consideration therefor is contributed by
32 the employee or employer or both, by any person who is 62 years of
33 age or older or who, by virtue of disability, is or would be eligible
34 to receive payments under the federal Social Security Act.
35 (2) For taxable years beginning on or after January 1, 2005 but
36 before January 1, 2019, the exclusion provided by this subsection
37 shall only be allowed if the taxpayer has gross income for the
38 taxable year of not more than \$100,000.
39 c. Gross income shall not include any amount received under
40 any public or private plan by reason of a permanent and total
41 disability.
42 d. Gross income shall not include distributions from an
43 employees' trust described in section 401(a) of the Internal Revenue
44 Code of 1986, as amended (hereinafter referred to as "the Code"),
45 which is exempt from tax under section 501(a) of the Code if the
46 distribution, except the portion representing the employees'
47 contributions, is rolled over in accordance with section 402(a)(5) or
48 section 403(a)(4) of the Code. The distribution shall be paid in one

1 or more installments which constitute a lump-sum distribution
2 within the meaning of section 402(e)(4)(A) (determined without
3 reference to subsection (e)(4)(B)), or be on account of a termination
4 of a plan of which the trust is a part or, in the case of a profit-
5 sharing or stock bonus plan, a complete discontinuance of
6 contributions under such plan.

7 (cf: P.L.2016, c.57, s.9)

8
9 2. Section 3 of P.L.1977, c.273 (C.54A:6-15) is amended to
10 read as follows:

11 3. Other retirement income. a. (1) Gross income shall not
12 include income:

13 for taxable years beginning before January 1, 2000, of up to
14 \$10,000 for a married couple filing jointly, \$5,000 for a married
15 person filing separately, or \$7,500 for an individual filing as a
16 single taxpayer or an individual determining tax pursuant to
17 subsection a. of N.J.S.54A:2-1;

18 for the taxable year beginning on or after January 1, 2000, but
19 before January 1, 2001, of up to \$12,500 for a married couple filing
20 jointly, \$6,250 for a married person filing separately, or \$9,375 for
21 an individual filing as a single taxpayer or an individual
22 determining tax pursuant to subsection a. of N.J.S.54A:2-1;

23 for the taxable year beginning on or after January 1, 2001, but
24 before January 1, 2002, of up to \$15,000 for a married couple filing
25 jointly, \$7,500 for a married person filing separately, or \$11,250 for
26 an individual filing as a single taxpayer or an individual
27 determining tax pursuant to subsection a. of N.J.S.54A:2-1;

28 for the taxable year beginning on or after January 1, 2002, but
29 before January 1, 2003, of up to \$17,500 for a married couple filing
30 jointly, \$8,750 for a married person filing separately, or \$13,125 for
31 an individual filing as a single taxpayer or an individual
32 determining tax pursuant to subsection a. of N.J.S.54A:2-1;

33 for taxable years beginning on or after January 1, 2003, but
34 before January 1, 2017, gross income shall not include income of up
35 to \$20,000 for a married couple filing jointly, \$10,000 for a married
36 person filing separately, or \$15,000 for an individual filing as a
37 single taxpayer or an individual determining tax pursuant to
38 subsection a. of N.J.S.54A:2-1;

39 for taxable years beginning on or after January 1, 2017 but
40 before January 1, 2018, gross income shall not include income of up
41 to \$40,000 for a married couple filing jointly, \$20,000 for a married
42 person filing separately, or \$30,000 for an individual filing as a
43 single taxpayer or an individual determining tax pursuant to
44 subsection a. of N.J.S.54A:2-1;

45 for taxable years beginning on or after January 1, 2018, but
46 before January 1, 2019, gross income shall not include income of up
47 to \$60,000 for a married couple filing jointly, \$30,000 for a married
48 person filing separately, or \$45,000 for an individual filing as a

1 single taxpayer or an individual determining tax pursuant to
2 subsection a. of N.J.S.54A:2-1;

3 for taxable years beginning on or after January 1, 2019, but
4 before January 1, 2020, gross income shall not include income of up
5 to \$80,000 for a married couple filing jointly, \$40,000 for a married
6 person filing separately, or \$60,000 for an individual filing as a
7 single taxpayer or an individual determining tax pursuant to
8 subsection a. of N.J.S.54A:2-1;

9 for taxable years beginning on or after January 1, 2020, gross
10 income shall not include income of up to \$100,000 for a married
11 couple filing jointly, \$50,000 for a married person filing separately,
12 or \$75,000 for an individual filing as a single taxpayer or an
13 individual determining tax pursuant to subsection a. of
14 N.J.S.54A:2-1,

15 when received in any tax year by a person aged 62 years or older
16 who received no income in excess of \$3,000 from one or more of
17 the sources enumerated in subsections a., b., k. and p. of
18 N.J.S.54A:5-1.

19 (2) For taxable years beginning on or after January 1, 2005 but
20 before January 1, 2019, the exclusion provided by this subsection
21 shall only be allowed if the taxpayer has gross income for the
22 taxable year of not more than \$100,000.

23 (3) The total exclusion under this subsection and that allowable
24 under N.J.S.54A:6-10 shall not exceed the amounts of the
25 exclusions set forth in this subsection.

26 b. In addition to the exclusion provided under N.J.S.54A:6-10
27 and subsection a. of this section, gross income shall not include
28 income of up to \$6,000 for a married couple filing jointly or an
29 individual determining tax pursuant to subsection a. of N.J.S.54A:2-
30 1, or \$3,000 for a single person or a married person filing
31 separately, who is not covered under N.J.S.54A:6-2 or N.J.S.54A:6-
32 3, but who would be eligible in any year to receive payments under
33 either section if he or she were covered thereby.

34 (cf: P.L.2016, c.57, s.10)

35
36 3. This act shall take effect immediately and apply to taxable
37 years beginning on or after the January 1 next following the date of
38 enactment.

39

40

41 STATEMENT

42

43 This bill removes the income eligibility cap applicable to a
44 taxpayer's pension and other retirement income that may be
45 annually excluded from taxable gross income.

46 Under current law, qualifying taxpayers with \$100,000 or less in
47 annual income and who are at least 62 years old or disabled may
48 exclude certain pension and retirement income from taxable gross

1 income. This bill removes the annual income cap for eligibility so
2 that taxpayers of any income level, who are otherwise eligible, may
3 claim the exclusion. The elimination of this cap is effective January
4 1, 2019.

5 The purpose of this bill is to allow qualifying taxpayers with
6 pension and retirement income to exclude more of their income
7 from taxable gross income. By removing the annual income cap for
8 eligibility, this bill allows greater numbers of taxpayers to benefit
9 from the tax relief provided by the exclusion.