



House of Representatives

General Assembly

File No. 550

February Session, 2008

Substitute House Bill No. 5631

House of Representatives, April 9, 2008

The Committee on Finance, Revenue and Bonding reported through REP. STAPLES of the 96th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING AN INCOME TAX DEDUCTION FOR EXPENSES ASSOCIATED WITH ORGAN DONATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subparagraph (B) of subdivision (20) of subsection (a) of
2 section 12-701 of the 2008 supplement to the general statutes is
3 repealed and the following is substituted in lieu thereof (*Effective July*
4 *1, 2008, and applicable to taxable years commencing on or after January 1,*
5 *2008*):

6 (B) There shall be subtracted therefrom (i) to the extent properly
7 includable in gross income for federal income tax purposes, any
8 income with respect to which taxation by any state is prohibited by
9 federal law, (ii) to the extent allowable under section 12-718, exempt
10 dividends paid by a regulated investment company, (iii) the amount of
11 any refund or credit for overpayment of income taxes imposed by this
12 state, or any other state of the United States or a political subdivision
13 thereof, or the District of Columbia, to the extent properly includable

14 in gross income for federal income tax purposes, (iv) to the extent
15 properly includable in gross income for federal income tax purposes
16 and not otherwise subtracted from federal adjusted gross income
17 pursuant to clause (x) of this subparagraph in computing Connecticut
18 adjusted gross income, any tier 1 railroad retirement benefits, (v) to the
19 extent any additional allowance for depreciation under Section 168(k)
20 of the Internal Revenue Code, as provided by Section 101 of the Job
21 Creation and Worker Assistance Act of 2002, for property placed in
22 service after December 31, 2001, but prior to September 10, 2004, was
23 added to federal adjusted gross income pursuant to subparagraph
24 (A)(ix) of this subdivision in computing Connecticut adjusted gross
25 income for a taxable year ending after December 31, 2001, twenty-five
26 per cent of such additional allowance for depreciation in each of the
27 four succeeding taxable years, (vi) to the extent properly includable in
28 gross income for federal income tax purposes, any interest income
29 from obligations issued by or on behalf of the state of Connecticut, any
30 political subdivision thereof, or public instrumentality, state or local
31 authority, district or similar public entity created under the laws of the
32 state of Connecticut, (vii) to the extent properly includable in
33 determining the net gain or loss from the sale or other disposition of
34 capital assets for federal income tax purposes, any gain from the sale
35 or exchange of obligations issued by or on behalf of the state of
36 Connecticut, any political subdivision thereof, or public
37 instrumentality, state or local authority, district or similar public entity
38 created under the laws of the state of Connecticut, in the income year
39 such gain was recognized, (viii) any interest on indebtedness incurred
40 or continued to purchase or carry obligations or securities the interest
41 on which is subject to tax under this chapter but exempt from federal
42 income tax, to the extent that such interest on indebtedness is not
43 deductible in determining federal adjusted gross income and is
44 attributable to a trade or business carried on by such individual, (ix)
45 ordinary and necessary expenses paid or incurred during the taxable
46 year for the production or collection of income which is subject to
47 taxation under this chapter but exempt from federal income tax, or the
48 management, conservation or maintenance of property held for the

49 production of such income, and the amortizable bond premium for the
50 taxable year on any bond the interest on which is subject to tax under
51 this chapter but exempt from federal income tax, to the extent that
52 such expenses and premiums are not deductible in determining federal
53 adjusted gross income and are attributable to a trade or business
54 carried on by such individual, (x) (I) for a person who files a return
55 under the federal income tax as an unmarried individual whose
56 federal adjusted gross income for such taxable year is less than fifty
57 thousand dollars, or as a married individual filing separately whose
58 federal adjusted gross income for such taxable year is less than fifty
59 thousand dollars, or for a husband and wife who file a return under
60 the federal income tax as married individuals filing jointly whose
61 federal adjusted gross income for such taxable year is less than sixty
62 thousand dollars or a person who files a return under the federal
63 income tax as a head of household whose federal adjusted gross
64 income for such taxable year is less than sixty thousand dollars, an
65 amount equal to the Social Security benefits includable for federal
66 income tax purposes; and (II) for a person who files a return under the
67 federal income tax as an unmarried individual whose federal adjusted
68 gross income for such taxable year is fifty thousand dollars or more, or
69 as a married individual filing separately whose federal adjusted gross
70 income for such taxable year is fifty thousand dollars or more, or for a
71 husband and wife who file a return under the federal income tax as
72 married individuals filing jointly whose federal adjusted gross income
73 from such taxable year is sixty thousand dollars or more or for a
74 person who files a return under the federal income tax as a head of
75 household whose federal adjusted gross income for such taxable year
76 is sixty thousand dollars or more, an amount equal to the difference
77 between the amount of Social Security benefits includable for federal
78 income tax purposes and the lesser of twenty-five per cent of the Social
79 Security benefits received during the taxable year, or twenty-five per
80 cent of the excess described in Section 86(b)(1) of the Internal Revenue
81 Code, (xi) to the extent properly includable in gross income for federal
82 income tax purposes, any amount rebated to a taxpayer pursuant to
83 section 12-746, (xii) to the extent properly includable in the gross

84 income for federal income tax purposes of a designated beneficiary,
85 any distribution to such beneficiary from any qualified state tuition
86 program, as defined in Section 529(b) of the Internal Revenue Code,
87 established and maintained by this state or any official, agency or
88 instrumentality of the state, (xiii) to the extent allowable under section
89 12-701a, contributions to accounts established pursuant to any
90 qualified state tuition program, as defined in Section 529(b) of the
91 Internal Revenue Code, established and maintained by this state or
92 any official, agency or instrumentality of the state, (xiv) to the extent
93 properly includable in gross income for federal income tax purposes,
94 the amount of any Holocaust victims' settlement payment received in
95 the taxable year by a Holocaust victim, (xv) to the extent properly
96 includable in gross income for federal income tax purposes of an
97 account holder, as defined in section 31-51ww, interest earned on
98 funds deposited in the individual development account, as defined in
99 section 31-51ww, of such account holder, (xvi) to the extent properly
100 includable in the gross income for federal income tax purposes of a
101 designated beneficiary, as defined in section 3-123aa of the 2008
102 supplement to the general statutes, interest earned on contributions to
103 accounts established for the designated beneficiary pursuant to the
104 Connecticut Homecare Option Program for the Elderly established by
105 sections 3-123aa to 3-123ff, inclusive, (xvii) expenses incurred by a
106 taxpayer during the taxable year in connection with organ donation, in
107 an amount not to exceed ten thousand dollars and limited to lost
108 wages, out-of-pocket medical expenses, travel and lodging expenses,
109 and [(xvii)] (xviii) to the extent properly included in gross income for
110 federal income tax purposes, fifty per cent of the income received from
111 the United States government as retirement pay for a retired member
112 of (I) the Armed Forces of the United States, as defined in Section 101
113 of Title 10 of the United States Code, or (II) the National Guard, as
114 defined in Section 101 of Title 10 of the United States Code.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2008, and applicable to taxable years commencing on or after January 1, 2008</i>	12-701(a)(20)(B)
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PH *Joint Favorable Subst.-LCO C/R* FIN

FIN *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Department of Revenue Services	GF - Revenue Loss	25,000	25,000
Department of Revenue Services	GF - Cost	30,000	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The deduction is anticipated to result in a revenue loss of less than \$25,000 per year beginning in FY 09. This estimate is based on approximately 50 living organ transplants performed in Connecticut per year.

There is a one-time cost to the Department of Revenue Services of \$30,000 in FY 09 for form changes and for additional computer programming.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future and change depending on the number of living organ transplants performed in Connecticut per year.

OLR Bill Analysis

sHB 5631

AN ACT CONCERNING AN INCOME TAX DEDUCTION FOR EXPENSES ASSOCIATED WITH ORGAN DONATION.

SUMMARY:

This bill provides an income tax deduction of up to \$10,000 for lost wages, out-of-pocket medical expenses, and travel and lodging expenses incurred by a taxpayer in a taxable year in connection with a human organ donation.

EFFECTIVE DATE: July 1, 2008, and applicable to taxable years commencing on or after January 1, 2008.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Change of Reference
Yea 28 Nay 0 (03/07/2008)

Finance, Revenue and Bonding Committee

Joint Favorable
Yea 44 Nay 6 (03/27/2008)