

# SENATE BILL 318

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CF 0lr1285

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By: **Senators Kramer, Astle, Brinkley, Brochin, Conway, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Haines, Harrington, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Lenett, Madaleno, McFadden, Middleton, Miller, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Simonaire, Stoltzfus, Stone, and Zirkin**

Introduced and read first time: January 27, 2010

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Income Tax Checkoff for Developmental Disabilities**

3 FOR the purpose of establishing a certain income tax checkoff system for voluntary  
4 contributions to the Waiting List Equity Fund to provide certain services for  
5 individuals with developmental disabilities; requiring the Comptroller to  
6 include a checkoff on the individual income tax return; providing that the  
7 income tax checkoff system include a certain statement; requiring the  
8 Comptroller to include certain information in each individual income tax return  
9 package; requiring the Comptroller to collect and account for contributions  
10 made through the checkoff system and to credit the proceeds to the Fund after  
11 deducting the amount necessary to administer the checkoff system; providing  
12 that the Fund may consist of certain contributions from the income tax checkoff  
13 system and certain other money; providing for the application of this Act; and  
14 generally relating to an income tax checkoff system for contributions to provide  
15 certain services for individuals with developmental disabilities.

16 BY adding to

17 Article – Tax – General  
18 Section 2–113 and 10–804(i)  
19 Annotated Code of Maryland  
20 (2004 Replacement Volume and 2009 Supplement)

21 BY repealing and reenacting, without amendments,

22 Article – Health – General  
23 Section 7–205(a), (b), and (c)  
24 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2009 Replacement Volume)

2 BY repealing and reenacting, with amendments,  
3 Article – Health – General  
4 Section 7–205(d)(1)  
5 Annotated Code of Maryland  
6 (2009 Replacement Volume)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article – Tax – General**

10 **2–113.**

11 **(A) (1) THE COMPTROLLER SHALL INCLUDE ON THE INDIVIDUAL**  
12 **INCOME TAX RETURN FORM A CHECKOFF DESIGNATED AS THE**  
13 **“DEVELOPMENTAL DISABILITIES WAITING LIST EQUITY FUND**  
14 **CONTRIBUTION”.**

15 **(2) THE CHECKOFF SHALL STATE THAT:**

16 **(I) THE INDIVIDUAL, OR EACH SPOUSE IN THE CASE OF A**  
17 **JOINT RETURN, MAY CONTRIBUTE TO THE WAITING LIST EQUITY FUND THE**  
18 **AMOUNT DESIGNATED BY THE INDIVIDUAL; AND**

19 **(II) 1. THE INDIVIDUAL SHALL DEDUCT THE AMOUNT OF**  
20 **THE CONTRIBUTION FROM ANY REFUND TO WHICH THE INDIVIDUAL IS**  
21 **ENTITLED; OR**

22 **2. IF THE INDIVIDUAL IS NOT ENTITLED TO A**  
23 **REFUND, THE INDIVIDUAL SHALL ADD THE AMOUNT OF THE CONTRIBUTION TO**  
24 **THE INCOME TAX TO BE PAID WITH THE RETURN.**

25 **(3) THE COMPTROLLER SHALL INCLUDE, WITH THE INDIVIDUAL**  
26 **INCOME TAX RETURN PACKAGE, A DESCRIPTION OF THE PURPOSES FOR WHICH**  
27 **THE WAITING LIST EQUITY FUND WAS ESTABLISHED AND THE PURPOSES FOR**  
28 **WHICH THE FUND MAY BE USED.**

29 **(B) THE COMPTROLLER SHALL:**

30 **(1) COLLECT THE CHECKOFF CONTRIBUTIONS AND ACCOUNT TO**  
31 **THE STATE TREASURER FOR THE MONEY COLLECTED;**

1           **(2) FROM THE CONTRIBUTIONS COLLECTED, DISTRIBUTE THE**  
2 **AMOUNT NECESSARY TO ADMINISTER THE CHECKOFF SYSTEM TO AN**  
3 **ADMINISTRATIVE COST ACCOUNT; AND**

4           **(3) AFTER THE DISTRIBUTION UNDER ITEM (2) OF THIS**  
5 **SUBSECTION, DISTRIBUTE THE REMAINDER OF THE MONEY COLLECTED UNDER**  
6 **THIS SUBSECTION TO THE WAITING LIST EQUITY FUND ESTABLISHED UNDER §**  
7 **7-205 OF THE HEALTH - GENERAL ARTICLE TO BE USED TO PROVIDE**  
8 **COMMUNITY-BASED SERVICES TO INDIVIDUALS WHO ARE ON THE**  
9 **DEVELOPMENTAL DISABILITIES ADMINISTRATION WAITING LIST AND ARE**  
10 **ELIGIBLE FOR, BUT NOT RECEIVING, SERVICES FROM THE ADMINISTRATION.**

11 10-804.

12           **(I) AN INDIVIDUAL MAY DESIGNATE A CONTRIBUTION TO THE WAITING**  
13 **LIST EQUITY FUND, ESTABLISHED UNDER § 7-205 OF THE**  
14 **HEALTH - GENERAL ARTICLE, BY THE CHECKOFF SYSTEM ON THE RETURN.**

15   **Article - Health - General**

16 7-205.

17           (a) (1) There is a continuing, nonlapsing Waiting List Equity Fund in the  
18 Department of Health and Mental Hygiene.

19           (2) The purpose of the Waiting List Equity Fund is to ensure that:

20                   (i) When individuals leave State residential centers, the net  
21 average cost of serving them in the State residential center, as defined in subsection  
22 (d)(2) of this section, shall follow them to community-based services; and

23                   (ii) Any funds remaining after the individuals leaving State  
24 residential centers are served, are used to provide community-based services to  
25 individuals eligible for, but not receiving, the community-based services listed in  
26 subsection (c) of this section.

27           (b) Subject to the appropriation process in the annual operating budget, the  
28 Department shall use the Waiting List Equity Fund for providing community-based  
29 services to individuals eligible for, but not receiving, services from the Developmental  
30 Disabilities Administration.

31           (c) For individuals eligible for, but not receiving, services from the  
32 Developmental Disabilities Administration in the Department, the Waiting List  
33 Equity Fund shall be used to provide:

34                   (1) Individualized supported living arrangements services;

- 1           (2)    Respite care;
- 2           (3)    Individual and family support services;
- 3           (4)    Supported employment; and
- 4           (5)    Individualized community integration day services.

5           (d)   (1)    [Subject to the appropriation process in the annual operating  
6 budget, the] **THE** Waiting List Equity Fund shall consist of:

7                           **(I)    SUBJECT TO THE APPROPRIATION PROCESS IN THE**  
8 **ANNUAL OPERATING BUDGET**, funds which are equal to the cost of providing  
9 services to an individual in a State residential center for each fiscal year, or part of a  
10 fiscal year, that the individual is no longer served in a State residential center and is  
11 provided community-based services as defined in paragraph (2) of this subsection;

12                           **(II)   THE NET PROCEEDS FROM CONTRIBUTIONS UNDER**  
13 **THE INCOME TAX CHECKOFF SYSTEM ESTABLISHED UNDER § 2-113 OF THE**  
14 **TAX – GENERAL ARTICLE; AND**

15                           **(III) ANY OTHER MONEY FROM ANY OTHER SOURCE**  
16 **ACCEPTED FOR THE BENEFIT OF THE FUND.**

17           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 July 1, 2010, and shall be applicable to all taxable years beginning after December 31,  
19 2009.