

SENATE BILL 318

Q3

0lr1286
CF HB 830

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

Committee Report: Favorable

Senate action: Adopted

Read second time: March 10, 2010

CHAPTER _____

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2004 Replacement Volume and 2009 Supplement)

2 BY repealing and reenacting, without amendments,
 3 Article – Health – General
 4 Section 7–205(a), (b), and (c)
 5 Annotated Code of Maryland
 6 (2009 Replacement Volume)

7 BY repealing and reenacting, with amendments,
 8 Article – Health – General
 9 Section 7–205(d)(1)
 10 Annotated Code of Maryland
 11 (2009 Replacement Volume)

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

14 **Article – Tax – General**

15 **2–113.**

16 (A) (1) THE COMPTROLLER SHALL INCLUDE ON THE INDIVIDUAL
 17 INCOME TAX RETURN FORM A CHECKOFF DESIGNATED AS THE
 18 “DEVELOPMENTAL DISABILITIES WAITING LIST EQUITY FUND
 19 CONTRIBUTION”.

20 (2) THE CHECKOFF SHALL STATE THAT:

21 (I) THE INDIVIDUAL, OR EACH SPOUSE IN THE CASE OF A
 22 JOINT RETURN, MAY CONTRIBUTE TO THE WAITING LIST EQUITY FUND THE
 23 AMOUNT DESIGNATED BY THE INDIVIDUAL; AND

24 (II) 1. THE INDIVIDUAL SHALL DEDUCT THE AMOUNT OF
 25 THE CONTRIBUTION FROM ANY REFUND TO WHICH THE INDIVIDUAL IS
 26 ENTITLED; OR

27 2. IF THE INDIVIDUAL IS NOT ENTITLED TO A
 28 REFUND, THE INDIVIDUAL SHALL ADD THE AMOUNT OF THE CONTRIBUTION TO
 29 THE INCOME TAX TO BE PAID WITH THE RETURN.

30 (3) THE COMPTROLLER SHALL INCLUDE, WITH THE INDIVIDUAL
 31 INCOME TAX RETURN PACKAGE, A DESCRIPTION OF THE PURPOSES FOR WHICH
 32 THE WAITING LIST EQUITY FUND WAS ESTABLISHED AND THE PURPOSES FOR
 33 WHICH THE FUND MAY BE USED.

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

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

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

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

14 10-804.

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

18 **Article - Health - General**

19 7-205.

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

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

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

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

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

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

4 (1) Individualized supported living arrangements services;

5 (2) Respite care;

6 (3) Individual and family support services;

7 (4) Supported employment; and

8 (5) Individualized community integration day services.

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

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

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

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 22 July 1, 2010, and shall be applicable to all taxable years beginning after December 31,
 23 2009.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.