

## **Chapter 499**

**(Senate Bill 318)**

AN ACT concerning

### **Income Tax Checkoff for Developmental Disabilities**

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

BY adding to

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

BY repealing and reenacting, without amendments,

Article – Health – General  
Section 7–205(a), (b), and (c)  
Annotated Code of Maryland  
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health – General  
Section 7–205(d)(1)  
Annotated Code of Maryland  
(2009 Replacement Volume)

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

**Article – Tax – General**

2-113.

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

(2) THE CHECKOFF SHALL STATE THAT:

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

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

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

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

(B) THE COMPTROLLER SHALL:

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

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

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

10-804.

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

**Article – Health – General**

7-205.

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

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

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

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

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

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

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

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

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

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

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

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

**Approved by the Governor, May 20, 2010.**