

# HOUSE BILL 215

L1, Q3

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By: **Delegates Stukes, Anderson, Boteler, Braveboy, Burns, Carter, Clippinger, Conaway, Glenn, Gutierrez, Hammen, Harrison, Haynes, Howard, McHale, Mitchell, Tarrant, Walker, and Washington**

Introduced and read first time: January 25, 2012

Assigned to: Environmental Matters and Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Local Government – Investment in Our Youth (IO–YOUth) Programs**

3 FOR the purpose of authorizing a county to establish an Investment in Our Youth  
4 (IO–YOUth) Program; specifying the purpose of the Program; requiring a  
5 county that establishes a Program to establish a committee to carry out the  
6 Program; specifying that a nonprofit organization must meet certain  
7 requirements to be eligible for a grant from a Program; prohibiting a nonprofit  
8 organization that receives a grant from a Program from using the grant for  
9 certain purposes; requiring a county that establishes a Program to establish a  
10 special fund that is to be used to fund the Program; specifying that the Program  
11 is to be funded by certain funds and donations; providing that certain funds  
12 may be used only for funding the Program; authorizing an employer to make a  
13 deduction from the wage of an employee, under certain circumstances, for the  
14 benefit of a Program; requiring that a certain written request include certain  
15 information; requiring certain employers to pay certain funds to the  
16 Comptroller; requiring the Comptroller to distribute to the counties certain  
17 funds at certain times; requiring a county that receives certain funds to pay the  
18 funds into a certain special fund; specifying the amount of funds distributed to a  
19 county under a certain provision of this Act; requiring the Comptroller to  
20 distribute, at certain times, a certain amount of certain funds to an  
21 administrative cost account; allowing an individual or a corporation a  
22 subtraction modification under the Maryland income tax equal to the amount of  
23 a donation to a Program if the donation is not allowed as a deduction under the  
24 federal income tax; providing for the construction of a certain provision of this  
25 Act; providing for the application of certain provisions of this Act; defining  
26 certain terms; and generally relating to Investment in Our Youth (IO–YOUth)  
27 Programs.

28 BY adding to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article 24 – Political Subdivisions – Miscellaneous Provisions  
2 Section 25–101 through 25–104 to be under the new title “Title 25. Investment  
3 in Our Youth (IO–YOUth) Programs”  
4 Annotated Code of Maryland  
5 (2011 Replacement Volume)

6 BY repealing and reenacting, without amendments,  
7 Article – Tax – General  
8 Section 10–208(a) and 10–308(a)  
9 Annotated Code of Maryland  
10 (2010 Replacement Volume and 2011 Supplement)

11 BY adding to  
12 Article – Tax – General  
13 Section 10–208(r)  
14 Annotated Code of Maryland  
15 (2010 Replacement Volume and 2011 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Tax – General  
18 Section 10–308(b)  
19 Annotated Code of Maryland  
20 (2010 Replacement Volume and 2011 Supplement)

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

23 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

24 **TITLE 25. INVESTMENT IN OUR YOUTH (IO–YOUTH) PROGRAMS.**

25 **25–101.**

26 **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
27 **INDICATED.**

28 **(B) “COMPTRROLLER” MEANS THE STATE COMPTRROLLER.**

29 **(C) “EMPLOYER” MEANS:**

30 **(1) A PERSON ENGAGED IN A BUSINESS, AN INDUSTRY, A**  
31 **PROFESSION, A TRADE, OR OTHER ENTERPRISE IN THE STATE;**

32 **(2) THE STATE AND ITS UNITS;**

33 **(3) A COUNTY AND ITS UNITS; OR**

1           (4)    **A MUNICIPAL GOVERNMENT IN THE STATE.**

2           (D)    **“PROGRAM” MEANS AN INVESTMENT IN OUR YOUTH (IO-YOUTH)**  
3 **PROGRAM.**

4           (E)    **“SUMMER” MEANS THE PERIOD FROM JUNE 1 TO SEPTEMBER 30,**  
5 **INCLUSIVE, OF EACH YEAR.**

6           **25-102.**

7           (A)    **A COUNTY MAY ESTABLISH AN INVESTMENT IN OUR YOUTH**  
8 **(IO-YOUTH) PROGRAM.**

9           (B)    **THE PURPOSE OF A PROGRAM IS TO PROVIDE GRANTS TO**  
10 **NONPROFIT ORGANIZATIONS TO PROVIDE SUMMER JOBS FOR YOUTHS WHO ARE**  
11 **AT LEAST 14 YEARS OLD AND NOT MORE THAN 18 YEARS OLD.**

12           (C)    **A COUNTY THAT ESTABLISHES A PROGRAM SHALL ESTABLISH A**  
13 **COMMITTEE TO CARRY OUT THE PROGRAM.**

14           (D)    **TO BE ELIGIBLE FOR A GRANT FROM A COUNTY’S PROGRAM, A**  
15 **NONPROFIT ORGANIZATION SHALL:**

16                   (1)    **OPERATE WITHIN THE COUNTY; AND**

17                   (2)    **MEET ANY OTHER REQUIREMENT ESTABLISHED UNDER THE**  
18 **PROGRAM.**

19           (E)    **A NONPROFIT ORGANIZATION THAT RECEIVES A GRANT FROM A**  
20 **PROGRAM MAY NOT USE THE GRANT TO:**

21                   (1)    **EMPLOY YOUTHS WHO DO NOT RESIDE IN THE COUNTY; OR**

22                   (2)    **PROVIDE JOBS AT SITES THAT ARE LOCATED OUTSIDE OF THE**  
23 **COUNTY.**

24           **25-103.**

25           (A)    (1)   **NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO**  
26 **REQUIRE AN EMPLOYER TO MAKE A DEDUCTION FROM THE WAGE OF AN**  
27 **EMPLOYEE.**

1           **(2) ON WRITTEN REQUEST OF AN EMPLOYEE, AN EMPLOYER MAY**  
2 **MAKE A DEDUCTION FROM THE WAGE OF AN EMPLOYEE FOR THE BENEFIT OF A**  
3 **PROGRAM ESTABLISHED BY A COUNTY UNDER § 25-102 OF THIS TITLE.**

4           **(3) THE WRITTEN REQUEST PROVIDED BY AN EMPLOYEE UNDER**  
5 **PARAGRAPH (2) OF THIS SUBSECTION SHALL INCLUDE:**

6                   **(I) THE AMOUNT OF THE DEDUCTION;**

7                   **(II) THE COUNTY TO WHICH THE FUNDS SHOULD BE**  
8 **DISTRIBUTED UNDER SUBSECTION (C) OF THIS SECTION; AND**

9                   **(III) WHETHER THE COMPTROLLER SHOULD REFUND THE**  
10 **FUNDS DEDUCTED FROM THE WAGE OF THE EMPLOYEE OR DIVIDE AND**  
11 **DISTRIBUTE THE FUNDS EQUALLY AMONG THE REMAINING PROGRAMS**  
12 **ESTABLISHED UNDER § 25-102 OF THIS TITLE IN THE EVENT THAT THE COUNTY**  
13 **SPECIFIED UNDER ITEM (II) OF THIS PARAGRAPH HAS ENDED THE PROGRAM.**

14           **(B) AN EMPLOYER SHALL PAY TO THE COMPTROLLER ANY FUNDS**  
15 **DEDUCTED BY THE EMPLOYER FROM THE WAGE OF AN EMPLOYEE UNDER**  
16 **SUBSECTION (A) OF THIS SECTION.**

17           **(C) (1) (I) EVERY 3 MONTHS, THE COMPTROLLER SHALL**  
18 **DISTRIBUTE TO THE COUNTIES THE FUNDS THAT WERE PAID TO THE**  
19 **COMPTROLLER UNDER SUBSECTION (B) OF THIS SECTION.**

20                   **(II) A COUNTY THAT RECEIVES FUNDS UNDER**  
21 **SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL PAY THE FUNDS INTO THE**  
22 **SPECIAL FUND ESTABLISHED UNDER § 25-104 OF THIS TITLE.**

23           **(2) THE AMOUNT OF FUNDS DISTRIBUTED TO A COUNTY UNDER**  
24 **PARAGRAPH (1) OF THIS SUBSECTION SHALL EQUAL THE AMOUNT OF FUNDS**  
25 **DEDUCTED FROM THE WAGES OF EMPLOYEES WHO HAVE SPECIFIED THE**  
26 **COUNTY ON THE WRITTEN REQUEST AS PROVIDED IN SUBSECTION (A) OF THIS**  
27 **SECTION LESS ANY AMOUNT DISTRIBUTED TO AN ADMINISTRATIVE ACCOUNT**  
28 **UNDER PARAGRAPH (3) OF THIS SUBSECTION.**

29           **(3) EVERY 3 MONTHS, THE COMPTROLLER SHALL DISTRIBUTE,**  
30 **FROM THE FUNDS PAID TO THE COMPTROLLER UNDER SUBSECTION (B) OF THIS**  
31 **SECTION, THE AMOUNT NECESSARY TO ADMINISTER PARAGRAPH (1) OF THIS**  
32 **SUBSECTION IN THE PREVIOUS 3-MONTH PERIOD TO AN ADMINISTRATIVE COST**  
33 **ACCOUNT.**

1 **25-104.**

2 (A) A COUNTY THAT ESTABLISHES A PROGRAM SHALL ESTABLISH A  
3 SPECIAL FUND TO BE USED TO FUND THE PROGRAM.

4 (B) THE PROGRAM SHALL BE FUNDED BY:

5 (1) FUNDS DISTRIBUTED TO A COUNTY UNDER § 25-103 OF THIS  
6 TITLE;

7 (2) FUNDS APPROPRIATED TO THE PROGRAM BY THE COUNTY;  
8 AND

9 (3) DONATIONS RECEIVED BY THE COUNTY TO BE USED FOR THE  
10 PROGRAM.

11 (C) FUNDS IN THE SPECIAL FUND MAY BE USED ONLY FOR FUNDING  
12 THE PROGRAM.

13 **Article - Tax - General**

14 10-208.

15 (a) In addition to the modification under § 10-207 of this subtitle, the  
16 amounts under this section are subtracted from the federal adjusted gross income of a  
17 resident to determine Maryland adjusted gross income.

18 (R) THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION  
19 INCLUDES AN AMOUNT EQUAL TO THE AMOUNT OF A DONATION TO AN  
20 INVESTMENT IN OUR YOUTH (IO-YOUTH) PROGRAM ESTABLISHED UNDER  
21 ARTICLE 24, § 25-102 OF THE CODE IF THE DONATION IS NOT ALLOWED AS A  
22 DEDUCTION UNDER § 170 OF THE INTERNAL REVENUE CODE.

23 10-308.

24 (a) In addition to the modification under § 10-307 of this subtitle, the  
25 amounts under this section are subtracted from the federal taxable income of a  
26 corporation to determine Maryland modified income.

27 (b) The subtraction under subsection (a) of this section includes the amounts  
28 allowed to be subtracted for an individual under:

29 (1) § 10-208(d) of this title (Conservation tillage equipment expenses);

30 (2) § 10-208(i) of this title (Reforestation or timber stand expenses);

1                   (3)    § 10–208(k) of this title (Wage expenses for targeted jobs);

2                   (4)    § 10–208(m) of this title (Poultry or livestock manure spreading  
3 equipment); [and]

4                   (5)    § 10–208(p) of this title (Elevator handrails in health care  
5 facilities); AND

6                   **(6)    § 10–208(R) OF THIS TITLE (DONATION TO AN INVESTMENT IN**  
7 **OUR YOUTH (IO–YOUTH) PROGRAM).**

8                   SECTION 2. AND BE IT FURTHER ENACTED, That §§ 10–208(r) and  
9 10–308(b)(6) of the Tax – General Article, as enacted by Section 1 of this Act, shall be  
10 applicable to all taxable years beginning after December 31, 2011.

11                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2012.