

HOUSE BILL 857

Q3
HB 1296/06 – W&M

71r1305

By: **Delegates Boteler, Aumann, Beitzel, Frank, George, Impallaria, Kach, Krebs, McConkey, McDonough, McKee, Stocksdale, and Weir**

Introduced and read first time: February 9, 2007

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Income Tax – Credit for Educational Materials – Home Instruction Program**

3 FOR the purpose of allowing certain individuals to claim a credit against the State
4 income tax up to a certain amount for certain educational materials purchased
5 for use in a home instruction program; providing that the credit may not exceed
6 the State income tax for that taxable year and that any unused credit for a
7 taxable year may not be carried over to any other taxable year; defining certain
8 terms; providing for the application of this Act; and generally relating to a credit
9 against the State income tax for certain educational materials purchased for use
10 in a home instruction program.

11 BY adding to
12 Article – Tax – General
13 Section 10–726
14 Annotated Code of Maryland
15 (2004 Replacement Volume and 2006 Supplement)

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

18 **Article – Tax – General**

19 **10–726.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
2 MEANINGS INDICATED.

3 (2) "EDUCATIONAL MATERIALS" INCLUDES BOOKS, SUPPLIES,
4 TUTORING SERVICES, COOPERATIVE EDUCATION CLASSES, AND
5 INSTRUCTIONAL MATERIALS RELEVANT TO A HOME INSTRUCTION PROGRAM IN
6 THE STUDIES USUALLY TAUGHT IN THE PUBLIC SCHOOLS OF THIS STATE.

7 (3) "ELIGIBLE INSTRUCTOR" MEANS A PARENT, GUARDIAN, OR
8 OTHER INDIVIDUAL WHO HAS CUSTODY OF A CHILD.

9 (4) "HOME INSTRUCTION PROGRAM" MEANS THE EDUCATION OF
10 A CHILD, PRIMARILY IN THE HOME, BY AN ELIGIBLE INSTRUCTOR WHERE THE
11 CHILD IS RECEIVING REGULAR, THOROUGH INSTRUCTION DURING THE SCHOOL
12 YEAR IN THE STUDIES USUALLY TAUGHT IN THE PUBLIC SCHOOLS TO CHILDREN
13 OF THE SAME AGE.

14 (B) SUBJECT TO THE LIMITATIONS OF THIS SECTION, AN ELIGIBLE
15 INSTRUCTOR MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX FOR THE
16 COST OF EDUCATIONAL MATERIALS PURCHASED FOR USE IN A HOME
17 INSTRUCTION PROGRAM DURING THE TAXABLE YEAR.

18 (C) (1) FOR ANY TAXABLE YEAR, THE CREDIT ALLOWED UNDER THIS
19 SECTION MAY NOT EXCEED THE LESSER OF:

20 (I) \$300; OR

21 (II) THE STATE INCOME TAX IMPOSED FOR THE TAXABLE
22 YEAR.

23 (2) THE UNUSED AMOUNT OF THE CREDIT MAY NOT BE CARRIED
24 OVER TO ANY OTHER TAXABLE YEAR.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 July 1, 2007, and shall be applicable to taxable years beginning after December 31,
27 2006.