HOUSE BILL 686

Q3 5lr2353
HB 1521/14 – W&M

By: **Delegates C. Wilson, Afzali, Beidle, Bromwell, Brooks, Carozza, Chang, Davis, Dumais, Hill, S. Howard, Kramer, Lam, McConkey, McDonough, McKay, O'Donnell, Otto, Proctor, Reznik, Smith, Sophocleus, ~~and Vogt~~ Vogt, D. Barnes, Buckel, Ebersole, Fennell, Hixson, Hornberger, C. Howard, Kaiser, Long, Luedtke, Metzgar, Patterson, Platt, Reilly, Shoemaker, Simonaire, Tarlau, Turner, Walker, A. Washington, and M. Washington**

Introduced and read first time: February 12, 2015
Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 25, 2015

CHAPTER _____

AN ACT concerning

Income Tax Checkoff – Maryland Veterans Trust Fund

FOR the purpose of establishing a certain income tax checkoff system for voluntary contributions to the Maryland Veterans Trust Fund; 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 the Maryland Veterans Trust Fund.

BY adding to
Article – Tax – General
Section 2–115 and 10–804(l)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–913(e), (f), (h), and (i)
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–913(g)
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Tax – General

2–115.

(A) (1) THE COMPTROLLER SHALL INCLUDE ON THE INDIVIDUAL INCOME TAX RETURN FORM A CHECKOFF DESIGNATED AS THE "MARYLAND VETERANS TRUST 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 MARYLAND VETERANS TRUST 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 MARYLAND VETERANS TRUST 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 MARYLAND VETERANS TRUST FUND ESTABLISHED UNDER § 9–913 OF THE STATE GOVERNMENT ARTICLE.

10–804.

(L) AN INDIVIDUAL MAY DESIGNATE A CONTRIBUTION TO THE MARYLAND VETERANS TRUST FUND ESTABLISHED UNDER § 9–913 OF THE STATE GOVERNMENT ARTICLE BY THE CHECKOFF SYSTEM ON THE RETURN.

Article – State Government

9–913.

(e) (1) There is a Maryland Veterans Trust established for the purpose of providing monetary and other assistance to:

(i) veterans and their families; and

(ii) public and private programs that support veterans and their families.

(2) There is a Maryland Veterans Trust Fund.

(f) The Trust shall be a body corporate and shall have perpetual existence, subject to modification or termination by the General Assembly if necessary to effectuate its purpose or if its substantial purpose ceases to exist.

(g) The Fund consists of:

(1) gifts and grants that the Trust receives under § 9–914.2(a)(1) of this subtitle; **[**and**]**

(2) contributions to the Fund from the sale of tickets from instant ticket lottery machines under § 9–112(d) of this title**; AND**

(3) THE NET PROCEEDS FROM CONTRIBUTIONS UNDER THE INCOME TAX CHECKOFF SYSTEM ESTABLISHED UNDER § 2–115 OF THE TAX – GENERAL ARTICLE.

(h) Money in the Fund may only be used to:

(1) make grants and loans under § 9–914.2(a)(3) of this subtitle;

(2) be invested under § 9–914.3(b) of this subtitle; and

(3) pay the costs of administering the Fund through distribution to an administrative cost account in the Department.

(i) Money expended from the Fund is not intended to take the place of funding that would otherwise be appropriated to the Department.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015, and shall be applicable to all taxable years beginning after December 31, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.