
By: **Delegate Boschert**

Introduced and read first time: January 31, 2005

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Income Tax Checkoff - Maryland Military Family Relief Fund**

3 FOR the purpose of establishing the Maryland Military Family Relief Fund within
4 the Department of Veterans Affairs to be used to provide grants to certain
5 military families; requiring the Secretary of Veterans Affairs to adopt certain
6 regulations and to establish certain eligibility criteria; requiring the Secretary
7 to submit a certain report each year to the General Assembly on the
8 administration of the Fund; requiring the Comptroller to include a checkoff on
9 individual income tax return forms for voluntary contributions to the Fund and
10 to include certain information in each individual income tax return package;
11 allowing individuals to deduct a certain contribution from a certain refund or
12 add the contribution to certain income tax to be paid; requiring the Comptroller
13 to collect certain contributions and distribute them in a certain manner;
14 defining certain terms; providing for the application of this Act; and generally
15 relating to the Maryland Military Family Relief Fund and an income tax
16 checkoff for contributions to the Fund.

17 BY adding to

18 Article - State Government
19 Section 9-903
20 Annotated Code of Maryland
21 (2004 Replacement Volume)

22 BY adding to

23 Article - Tax - General
24 Section 2-113 and 10-804(i)
25 Annotated Code of Maryland
26 (2004 Replacement Volume)

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

Article - State Government

1
2 9-903.

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

5 (2) "FUND" MEANS THE MARYLAND MILITARY FAMILY RELIEF FUND
6 ESTABLISHED UNDER THIS SECTION.

7 (3) "INCOME TAX CHECKOFF SYSTEM" MEANS THE CHECKOFF SYSTEM
8 ESTABLISHED UNDER § 2-113 OF THE TAX - GENERAL ARTICLE.

9 (B) (1) THERE IS A MARYLAND MILITARY FAMILY RELIEF FUND.

10 (2) THE NET PROCEEDS FROM CONTRIBUTIONS UNDER THE INCOME
11 TAX CHECKOFF SYSTEM AND ANY OTHER DONATIONS TO THE FUND SHALL BE
12 CREDITED TO THE FUND.

13 (3) THE SECRETARY SHALL ADMINISTER THE FUND.

14 (4) THE FUND SHALL BE USED ONLY TO PROVIDE FINANCIAL RELIEF TO
15 ELIGIBLE MILITARY FAMILIES AS PROVIDED IN SUBSECTION (C) OF THIS SECTION.

16 (5) UNSPENT PORTIONS OF THE FUND SHALL REMAIN IN THE FUND AND
17 MAY NOT REVERT TO THE GENERAL FUND OF THE STATE.

18 (C) (1) THE SECRETARY SHALL USE THE NET PROCEEDS OF THE FUND
19 ONLY TO PROVIDE GRANTS TO THE FAMILIES OF INDIVIDUALS WHO:

20 (I) ARE DOMICILED IN THE STATE;

21 (II) ARE MEMBERS OF THE MARYLAND NATIONAL GUARD OR THE
22 RESERVES OF THE ARMED FORCES OF THE UNITED STATES; AND

23 (III) HAVE BEEN CALLED TO ACTIVE DUTY SINCE THE SEPTEMBER
24 11, 2001, TERRORIST ATTACKS.

25 (2) THE SECRETARY SHALL:

26 (I) ADOPT REGULATIONS TO IMPLEMENT A MARYLAND MILITARY
27 FAMILY RELIEF GRANT PROGRAM UNDER THIS SECTION; AND

28 (II) ESTABLISH ELIGIBILITY CRITERIA FOR THE RECIPIENTS OF
29 THE GRANT PROGRAM ESTABLISHED UNDER THIS SUBSECTION.

30 (D) (1) ON OR BEFORE AUGUST 31 OF EACH YEAR, THE SECRETARY SHALL
31 SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF
32 THE STATE GOVERNMENT ARTICLE, ON THE ADMINISTRATION OF THE MARYLAND
33 MILITARY FAMILY RELIEF FUND.

1 (2) THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE:

2 (I) THE GROSS AMOUNT OF DONATIONS TO THE FUND THROUGH
3 THE INCOME TAX CHECKOFF SYSTEM AND OTHERWISE;

4 (II) THE COSTS OF ADMINISTRATION BY THE COMPTROLLER OF
5 THE INCOME TAX CHECKOFF SYSTEM; AND

6 (III) A DETAILED ACCOUNTING OF THE USE OF THE FUND.

7 **Article - Tax - General**

8 2-113.

9 (A) (1) THE COMPTROLLER SHALL INCLUDE ON THE INDIVIDUAL INCOME
10 TAX RETURN FORM A CHECKOFF DESIGNATED AS THE "MARYLAND MILITARY
11 FAMILY RELIEF FUND".

12 (2) THE CHECKOFF SHALL STATE THAT:

13 (I) THE INDIVIDUAL, OR EACH SPOUSE IN THE CASE OF A JOINT
14 RETURN, MAY CONTRIBUTE TO THE MARYLAND MILITARY FAMILY RELIEF FUND THE
15 AMOUNT DESIGNATED BY THE INDIVIDUAL; AND

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

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

21 (3) THE COMPTROLLER SHALL INCLUDE, WITH THE INDIVIDUAL
22 INCOME TAX RETURN PACKAGE, A DESCRIPTION OF THE PURPOSES FOR WHICH THE
23 MARYLAND MILITARY FAMILY RELIEF FUND WAS ESTABLISHED AND THE PURPOSES
24 FOR WHICH THE FUND MAY BE USED.

25 (B) THE COMPTROLLER SHALL:

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

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

31 (3) AFTER THE DISTRIBUTION UNDER ITEM (2) OF THIS SUBSECTION,
32 DISTRIBUTE THE REMAINDER OF THE MONEY COLLECTED UNDER THIS SUBSECTION
33 TO THE MARYLAND MILITARY FAMILY RELIEF FUND ESTABLISHED UNDER § 9-903 OF
34 THE STATE GOVERNMENT ARTICLE.

1 10-804.

2 (I) AN INDIVIDUAL MAY DESIGNATE A CONTRIBUTION TO THE MARYLAND
3 MILITARY FAMILY RELIEF FUND, ESTABLISHED UNDER § 9-903 OF THE STATE
4 GOVERNMENT ARTICLE, BY THE CHECKOFF SYSTEM ON THE RETURN.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 July 1, 2005, and shall be applicable to all taxable years beginning after December 31,
7 2004.