

SENATE BILL 197

Q3

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By: **Senators Glassman and Jacobs**

Introduced and read first time: January 21, 2010

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Income Tax – Subtraction Modification – Community Emergency Response**
3 **Team (CERT)**

4 FOR the purpose of making certain members of a Community Emergency Response
5 Team eligible under certain circumstances for a certain subtraction modification
6 under the Maryland income tax for qualifying volunteer fire, rescue, or
7 emergency medical services members; providing that an individual may not
8 qualify for the subtraction modification based on membership in a Community
9 Emergency Response Team unless the Community Emergency Response Team
10 maintains certain records and provides certain reports; providing for the
11 application of this Act; and generally relating to a State income tax subtraction
12 modification for certain qualifying members of a Community Emergency
13 Response Team.

14 BY repealing and reenacting, without amendments,
15 Article – Tax – General
16 Section 10–208(a)
17 Annotated Code of Maryland
18 (2004 Replacement Volume and 2009 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Tax – General
21 Section 10–208(i–1)
22 Annotated Code of Maryland
23 (2004 Replacement Volume and 2009 Supplement)

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

26 **Article – Tax – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 10–208.

2 (a) In addition to the modification under § 10–207 of this subtitle, the
3 amounts under this section are subtracted from the federal adjusted gross income of a
4 resident to determine Maryland adjusted gross income.

5 (i–1) (1) The subtraction under subsection (a) of this section includes an
6 amount equal to \$3,500 if an individual is a qualifying volunteer fire, rescue, or
7 emergency medical services member for the taxable year, as determined under
8 paragraph (2) of this subsection.

9 (2) An individual is a qualifying volunteer fire, rescue, or emergency
10 medical services member for the taxable year eligible for the subtraction modification
11 under this subsection if the individual:

12 (i) is an active member of:

13 1. a bona fide Maryland fire, rescue, or emergency
14 medical services organization;

15 2. an auxiliary organization of a bona fide Maryland fire,
16 rescue, or emergency medical services organization; [or]

17 3. the United States Coast Guard Auxiliary; **OR**

18 4. **A COMMUNITY EMERGENCY RESPONSE TEAM;**

19 (ii) serves the organization in a volunteer capacity without
20 compensation, except nominal expenses or meals;

21 (iii) 1. qualifies for active status during the taxable year
22 under:

23 A. a volunteer fire, rescue, or emergency medical services
24 personnel or auxiliary length of service award program operated by a county or
25 municipal corporation of the State, if the length of service award program requires for
26 active status qualification a minimum of 50 points per year and that points be earned
27 in at least two different categories; or

28 B. a point system established by a county or municipal
29 corporation that does not operate a volunteer fire, rescue, or emergency medical
30 services personnel or auxiliary length of service award program [or], by the United
31 States Coast Guard Auxiliary, **OR BY A COMMUNITY EMERGENCY RESPONSE**
32 **TEAM**, to identify active members of a volunteer fire, rescue, or emergency medical
33 services organization [or], auxiliary organization, **OR COMMUNITY EMERGENCY**
34 **RESPONSE TEAM**, if the point system requires for active status qualification a

1 minimum of 50 points per year and that points be earned in at least two different
2 categories;

3 2. has maintained active status for at least 25 years
4 under a volunteer fire, rescue, or emergency medical services personnel or auxiliary
5 length of service award program or a point system established in lieu of a length of
6 service award program;

7 3. is a member of the National Guard or other reserve
8 component of the United States armed forces who has been ordered into active
9 military service and who serves on active duty in the armed forces of the United States
10 during the taxable year; or

11 4. is a civilian or a member of the Merchant Marine on
12 assignment in support of the armed forces of the United States during the taxable year
13 in an area designated as a combat zone by executive order of the President; and

14 (iv) will have been an active member of a bona fide Maryland
15 fire, rescue, or emergency medical services organization, an auxiliary organization of a
16 bona fide Maryland fire, rescue, or emergency medical services organization, [or] the
17 United States Coast Guard Auxiliary, **OR A COMMUNITY EMERGENCY RESPONSE**
18 **TEAM** for at least 36 months during the last 10 calendar years by December 31 of the
19 taxable year.

20 (3) (i) Each fire, rescue, or emergency medical services
21 organization or auxiliary organization shall:

22 1. maintain a record of the points earned by each
23 individual during each calendar year;

24 2. provide each member a report identifying the number
25 of points earned in each category by February 15 of the following year; and

26 3. provide a report that includes the names, Social
27 Security numbers, and points earned by those members qualifying for the subtraction
28 modification under this subsection to the Maryland State Firemen's Association by
29 May 1 of the following year.

30 (ii) An individual may not qualify for the subtraction under this
31 subsection based on membership in the United States Coast Guard Auxiliary **OR A**
32 **COMMUNITY EMERGENCY RESPONSE TEAM** unless the United States Coast Guard
33 Auxiliary **OR COMMUNITY EMERGENCY RESPONSE TEAM**:

34 1. maintains a record of the points earned by each
35 individual during each calendar year;

1 2. provides each member a report identifying the
2 number of points earned in each category by February 15 of the following year; and

3 3. provides a report that includes the names, Social
4 Security numbers, and points earned by those members qualifying for the subtraction
5 modification under this subsection to the Comptroller on or before October 1 of each
6 year.

7 (4) To qualify for the subtraction modification under this subsection,
8 an individual shall attach to the individual's income tax return a copy of the report
9 provided by the organization under paragraph (3) of this subsection.

10 (5) On or before October 1 of each year, the Maryland State Firemen's
11 Association shall submit to the Department of Public Safety and Correctional Services
12 and the Office of the Comptroller a report stating the participation in the point system
13 by the various local subdivisions with the names and Social Security numbers of
14 individuals who qualified for the subtraction modification under this subsection for the
15 preceding taxable year.

16 (6) (i) A person may not knowingly make or cause any false
17 statement or report to be made in any application or in any document required under
18 this subsection.

19 (ii) Any person who violates or attempts to violate any provision
20 of subparagraph (i) of this paragraph shall be subject to a fine of \$1,000.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 2010, and shall be applicable to all taxable years beginning after December 31,
23 2009.