

Department of Legislative Services
 Maryland General Assembly
 2014 Session

FISCAL AND POLICY NOTE

House Bill 756 (Delegate Schuh, *et al.*)
 Ways and Means

Income Tax Credit - Classroom Expenses for Teachers

This bill creates a State income tax credit for classroom expenses and supplies that are purchased by a teacher. The amount of the credit cannot exceed \$500 or the tax liability imposed in that year. Any unused amount of the credit may not be carried forward to any other taxable year. The Comptroller is required to adopt regulations to implement the bill and specify the documentation necessary to claim the credit.

The bill takes effect July 1, 2014, and applies to tax year 2014 and beyond.

Fiscal Summary

State Effect: General fund revenues decrease by \$33.9 million in FY 2015 due to tax credits claimed against the personal income tax. Future year revenue decreases reflect a 0.5% annual increase in eligible taxpayers. General fund expenditures increase by \$48,000 in FY 2015 for one-time tax form changes and computer programming modifications at the Comptroller’s Office.

(\$ in millions)	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
GF Revenue	(\$33.9)	(\$34.1)	(\$34.3)	(\$34.4)	(\$34.6)
GF Expenditure	\$0	\$0	\$0	\$0	\$0
Net Effect	(\$34.0)	(\$34.1)	(\$34.3)	(\$34.4)	(\$34.6)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: No similar State income tax credit exists. However, for federal income tax purposes, eligible educators can deduct up to \$250 (\$500 if married filing jointly) for unreimbursed expenses including for books, supplies, computer equipment (including related software and services), other equipment, and supplementary materials used in the classroom. This deduction is available regardless of whether the taxpayer itemizes deductions. Eligible educators include a K-12 teacher, instructor, counselor, principal, or aide who works at least 900 hours in a school year. This deduction reduces federal adjusted gross income, which in turn reduces State income tax liability by flowing through to Maryland adjusted gross income (MAGI). This federal deduction expired at the end of tax year 2013. The federal deduction reduced State revenues by about \$900,000 annually and local revenues by about \$600,000 annually.

State Revenues: Tax credits may be claimed beginning in tax year 2014. As a result, general fund revenues will decrease by \$33.9 million in fiscal 2015. This estimate is based on the following facts and assumptions:

- 82,100 Maryland tax returns claimed the federal deduction in tax year 2011;
- 75% of taxpayers claiming the federal credit qualify for the credit proposed by the bill;
- public school enrollment is estimated to increase by about 0.5% annually; and
- eligibility for the proposed credit is limited to K-12 public and nonpublic teachers.

The bill does not require that a taxpayer add back to MAGI any amount of credit claimed to the extent excluded from federal adjusted gross income. An educator claiming the State tax credit will gain the benefit of both the State credit and the federal deduction, if the deduction is available. In addition, the bill also does not require that the expenses are unreimbursed. It is therefore estimated that the maximum credit of \$500 will be claimed each year.

State Expenditures: The Comptroller's Office reports that it will incur a one-time expenditure increase of \$48,000 in fiscal 2015 to add the subtraction modification to the personal income tax return. This includes data processing changes to the SMART income tax return processing and imaging systems and system testing.

Additional Information

Prior Introductions: SB 824 of 2013 received a hearing in the Senate Budget and Taxation Committee, but no further action was taken. Its cross file, HB 513, received a hearing in the House Ways and Means Committee, but no further action was taken. Similar bills were introduced in the 2003, 2004, and 2005 sessions. HB 26 of 2005, HB 798 of 2004, and HB 3 of 2003 all received unfavorable reports from the House Ways and Means Committee.

Cross File: SB 741 (Senator Kittleman, *et al.*) - Budget and Taxation.

Information Source(s): Comptroller's Office, Internal Revenue Service, Maryland State Department of Education, Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2014
mm/jrb

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