

SENATE BILL 742

Q3, L1, P1

8lr2627
CF HB 686

By: **Senators Madaleno, Astle, Feldman, Hershey, Jennings, Kasemeyer, Kelley, King, Klausmeier, Lee, Nathan-Pulliam, Reilly, Simonaire, and Zucker**

Introduced and read first time: February 5, 2018

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Income Tax – Wynne Case – Local Government Repayments to the Local**
3 **Reserve Account**

4 FOR the purpose of altering the date on which the Comptroller is required to begin
5 withholding from certain quarterly income tax distributions certain amounts owed
6 by certain local governments to the Local Reserve Account; and generally relating to
7 required repayments to the Local Reserve Account.

8 BY repealing and reenacting, with amendments,
9 Chapter 489 of the Acts of the General Assembly of 2015, as amended by Chapter 24
10 of the Acts of the General Assembly of 2016
11 Section 27

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

14 **Chapter 489 of the Acts of 2015, as amended by Chapter 24 of the Acts of 2016**

15 SECTION 27. AND BE IT FURTHER ENACTED, That the Attorney General shall
16 review the decision of the U.S. Supreme Court in the appeal of Maryland State Comptroller
17 of the Treasury v. Brian Wynne, et ux. 431 Md. 147 (2013) and advise the Comptroller
18 whether the decision, expressly or in effect, requires the payment of income tax refunds
19 and interest attributable to taxable years beginning after December 31, 2005, but before
20 January 1, 2015, and, if the Attorney General so advises, the Comptroller shall initially
21 pay the refunds and interest from the Local Reserve Account (Account) established to
22 comply with § 2–606 of the Tax – General Article. After the Comptroller pays the refunds
23 and interest from the Account, each local government shall reimburse the Account for its
24 share of related refunds and interest. If an affected local government does not reimburse
25 the Account in a timely fashion, the Comptroller shall withhold the amount owed to the
26 Account from the quarterly income tax distributions in twenty equal installments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 beginning with the first applicable quarterly distribution made after February [2019]
2 **2021**, until the Account is fully reimbursed.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2018.