

# HOUSE BILL 86

Q7, P6, C2

(PRE-FILED)

3lr0835  
CF SB 189

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By: **Delegate Qi**

Requested: November 16, 2022

Introduced and read first time: January 11, 2023

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 22, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Disclosure of Tax Information – Maryland Small Business Retirement Savings**  
3 **Board – Authorization**

4 FOR the purpose of authorizing, subject to certain limitations, the disclosure of certain tax  
5 information to the Maryland Small Business Retirement Savings Board and certain  
6 contractors for the purposes of administering the Maryland Small Business  
7 Retirement Savings Program and Trust; and generally relating to the disclosure of  
8 tax information by the Maryland Comptroller.

9 BY repealing and reenacting, with amendments,  
10 Article – Tax – General  
11 Section 13–203(c)  
12 Annotated Code of Maryland  
13 (2022 Replacement Volume)

14 BY adding to  
15 Article – Tax – General  
16 Section 13–203(e)  
17 Annotated Code of Maryland  
18 (2022 Replacement Volume)

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

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### 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.



## Article – Tax – General

13–203.

(c) Tax information may be disclosed to:

(1) an employee or officer of the State who, by reason of that employment or office, has the right to the tax information;

(2) another tax collector;

(3) the Maryland Tax Court;

(4) a legal representative of the State, to review the tax information about a taxpayer:

(i) who applies for review under this title;

(ii) who appeals from a determination under this title; or

(iii) against whom an action to recover tax or a penalty is pending or will be initiated under this title;

(5) any license issuing authority of the State required by State law to verify through the Comptroller that an applicant has paid all undisputed taxes and unemployment insurance contributions payable to the Comptroller or the Secretary of Labor or that the applicant has provided for payment in a manner satisfactory to the unit responsible for collection;

(6) a local official as defined in § 13–925 of this title to the extent necessary to administer Subtitle 9, Part V of this title;

(7) a federal official as defined in § 13–930 of this title to the extent necessary to administer Subtitle 9, Part VI of this title;

(8) the Maryland Department of Health in accordance with the federal Children’s Health Insurance Program Reauthorization Act of 2009;

(9) the State Board of Individual Tax Preparers;

(10) the Alcohol and Tobacco Commission;

(11) the Maryland 9–1–1 Board; [and]

(12) a person or governmental entity authorized by the Comptroller in writing to receive tax information for the purpose of identifying, preventing, or responding to fraud, provided that the tax information is:

1 (i) anonymized to the extent possible consistent with the  
2 information's intended use; and

3 (ii) in addition to any other protections and safeguards under law,  
4 subject to any protections and safeguards set forth by the Comptroller in the written  
5 authorization; [and]

6 (13) the Maryland Higher Education Commission; AND

7 (14) SUBJECT TO SUBSECTION (E) OF THIS SECTION, THE MARYLAND  
8 SMALL BUSINESS RETIREMENT SAVINGS BOARD AND ITS AUTHORIZED  
9 CONTRACTORS FOR THE PURPOSE OF ADMINISTERING THE MARYLAND SMALL  
10 BUSINESS RETIREMENT SAVINGS PROGRAM AND TRUST AS AUTHORIZED UNDER  
11 TITLE 12 OF THE LABOR AND EMPLOYMENT ARTICLE.

12 (E) TAX INFORMATION DISCLOSED IN ACCORDANCE WITH SUBSECTION  
13 (C)(14) OF THIS SECTION:

14 (1) SHALL INCLUDE ONLY THE FOLLOWING TAX INFORMATION OF  
15 BUSINESS ENTITIES:

16 (I) THE BUSINESS ENTITY'S FEDERAL EMPLOYER  
17 IDENTIFICATION NUMBER;

18 (II) THE NAME OF THE BUSINESS ENTITY;

19 (III) THE PHYSICAL ADDRESS OF THE BUSINESS ENTITY;

20 (IV) THE MAILING ADDRESS OF THE BUSINESS ENTITY; AND

21 (V) THE BUSINESS ENTITY'S CONTACT NAME, E-MAIL ADDRESS,  
22 AND PHONE NUMBER;

23 (2) SHALL ONLY BE DISCLOSED TO THE EXTENT THAT THE  
24 COMPTROLLER HAS RECEIVED THE REQUESTED INFORMATION FROM STATE TAX  
25 FILINGS;

26 (3) NEED NOT BE VALIDATED BY THE COMPTROLLER PRIOR TO  
27 DISCLOSURE TO THE MARYLAND SMALL BUSINESS RETIREMENT SAVINGS BOARD  
28 AND ITS AUTHORIZED CONTRACTORS;

29 (4) MAY NOT INCLUDE ANY INFORMATION THE COMPTROLLER IS  
30 PROHIBITED FROM DISCLOSING OR REDISCLOSING UNDER FEDERAL LAW;

1           ~~(2)~~ (5)           MAY NOT INCLUDE TAX INFORMATION OF INDIVIDUALS;

2           ~~(3)~~ (6)           MAY BE USED ONLY FOR THE SPECIFIC PURPOSE  
3 AUTHORIZED BY THE COMPTROLLER; AND

4           ~~(4)~~ (7)           IN ADDITION TO ANY OTHER PROTECTIONS AND  
5 SAFEGUARDS UNDER LAW, SHALL BE SUBJECT TO ANY PROTECTIONS AND  
6 SAFEGUARDS SET FORTH BY THE COMPTROLLER IN THE WRITTEN AUTHORIZATION.

7           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
8 1, 2023.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.