

HOUSE BILL 2

Q3

HB 1047/16 – W&M

(PRE-FILED)

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CF 7lr0418

By: **Delegates Hixson, Tarlau, McIntosh, Walker, Kaiser, Queen, Morhaim, Pendergrass, Luedtke, Hill, Turner, Lierman, Hornberger, Platt, Waldstreicher, Sophocleus, Clippinger, M. Washington, Reznik, Lafferty, Fennell, Chang, and West**

Requested: August 1, 2016

Introduced and read first time: January 11, 2017

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Earned Income Tax Credit – Individuals Without Qualifying Children –**
3 **Expansion**

4 FOR the purpose of altering the calculation of the Maryland earned income tax credit to
5 increase the amount of credit that certain individuals without qualifying children
6 may claim; expanding eligibility of the credit to allow certain individuals without
7 certain qualifying children to claim the credit; allowing certain individuals to claim
8 a refund of the credit; allowing certain individuals to claim the credit without regard
9 to a certain age limitation; providing that the amount of the credit that may be
10 claimed by certain individuals is adjusted for inflation each year; providing for the
11 application of this Act; and generally relating to the Maryland earned income tax
12 credit.

13 BY repealing and reenacting, with amendments,
14 Article – Tax – General
15 Section 10–704
16 Annotated Code of Maryland
17 (2010 Replacement Volume and 2016 Supplement)

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

20 **Article – Tax – General**

21 10–704.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) (1) A resident may claim a credit against the State income tax for a taxable year in the amount determined under subsection (b) of this section for earned income.

(2) A resident may claim a credit against the county income tax for a taxable year in the amount determined under subsection (c) of this section for earned income.

(b) (1) Except as provided in [paragraph (2)] **PARAGRAPHS (2) AND (3)** of this subsection and subject to subsection (d) of this section, the credit allowed against the State income tax under subsection (a)(1) of this section is the lesser of:

(i) 50% of the earned income credit allowable for the taxable year under § 32 of the Internal Revenue Code; or

(ii) the State income tax for the taxable year.

(2) (i) Subject to subsection (d) of this section, a resident may claim a refund in the amount, if any, by which the applicable percentage specified in subparagraph (ii) of this paragraph of the earned income credit allowable for the taxable year under § 32 of the Internal Revenue Code exceeds the State income tax for the taxable year.

(ii) The applicable percentage of the earned income credit allowable under § 32 of the Internal Revenue Code to be used for purposes of determining the refund provided under this paragraph is:

1. 25% for a taxable year beginning after December 31, 2013, but before January 1, 2015;

2. 25.5% for a taxable year beginning after December 31, 2014, but before January 1, 2016;

3. 26% for a taxable year beginning after December 31, 2015, but before January 1, 2017;

4. 27% for a taxable year beginning after December 31, 2016, but before January 1, 2018; and

5. 28% for a taxable year beginning after December 31, 2017.

(3) (I) THE CREDIT ALLOWED AGAINST THE STATE INCOME TAX UNDER SUBSECTION (A)(1) OF THIS SECTION FOR AN INDIVIDUAL WITHOUT A QUALIFYING CHILD:

1. IS EQUAL TO 100% OF THE EARNED INCOME CREDIT ALLOWABLE FOR THE TAXABLE YEAR UNDER § 32 OF THE INTERNAL REVENUE CODE; AND

1 **2. IS CALCULATED BY SUBSTITUTING:**

2 **A. \$6,610 FOR THE EARNED INCOME AMOUNT IN**
3 **§ 32(B)(2)(A) OF THE INTERNAL REVENUE CODE; AND**

4 **B. \$16,900 FOR THE PHASE-OUT AMOUNT IN**
5 **§ 32(B)(2)(A) OF THE INTERNAL REVENUE CODE.**

6 **(II) IF THE TAX CREDIT ALLOWED UNDER THIS PARAGRAPH IN**
7 **ANY TAXABLE YEAR EXCEEDS THE TOTAL TAX OTHERWISE PAYABLE BY THE**
8 **INDIVIDUAL WITHOUT A QUALIFYING CHILD FOR THAT TAXABLE YEAR, THE**
9 **INDIVIDUAL MAY CLAIM A REFUND IN THE AMOUNT OF THE EXCESS.**

10 **(III) 1. FOR EACH TAXABLE YEAR BEGINNING AFTER**
11 **DECEMBER 31, 2017, THE EARNED INCOME AMOUNT AND PHASE-OUT AMOUNT IN**
12 **SUBPARAGRAPH (I)2 OF THIS PARAGRAPH SHALL BE INCREASED BY AN AMOUNT**
13 **EQUAL TO THE PRODUCT OF MULTIPLYING EACH AMOUNT BY THE COST-OF-LIVING**
14 **ADJUSTMENT SPECIFIED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH.**

15 **2. FOR PURPOSES OF THIS SUBPARAGRAPH, THE**
16 **COST-OF-LIVING ADJUSTMENT IS THE COST-OF-LIVING ADJUSTMENT WITHIN THE**
17 **MEANING OF § 1(F)(3) OF THE INTERNAL REVENUE CODE FOR THE CALENDAR YEAR**
18 **IN WHICH A TAXABLE YEAR BEGINS, AS DETERMINED BY THE COMPTROLLER BY**
19 **SUBSTITUTING “CALENDAR YEAR 2016” FOR “CALENDAR YEAR 1992” IN § 1(F)(3)(B)**
20 **OF THE INTERNAL REVENUE CODE.**

21 **3. IF ANY INCREASE DETERMINED UNDER**
22 **SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IS NOT A MULTIPLE OF \$50, THE**
23 **INCREASE SHALL BE ROUNDED DOWN TO THE NEXT LOWEST MULTIPLE OF \$50.**

24 **(IV) FOR PURPOSES OF THIS SECTION FOR AN INDIVIDUAL**
25 **WITHOUT A QUALIFYING CHILD, THE CREDIT ALLOWABLE FOR A TAXABLE YEAR**
26 **UNDER § 32 OF THE INTERNAL REVENUE CODE IS CALCULATED WITHOUT REGARD**
27 **TO THE MINIMUM AGE REQUIREMENT UNDER § 32(C)(1)(A)(II)(II) OF THE**
28 **INTERNAL REVENUE CODE.**

29 **(c) (1) Except as provided in paragraph (2) of this subsection and subject to**
30 **subsection (d) of this section, the credit allowed against the county income tax under**
31 **subsection (a)(2) of this section is the lesser of:**

32 **(i) the earned income credit allowable for the taxable year under**
33 **§ 32 of the Internal Revenue Code multiplied by 10 times the county income tax rate for**
34 **the taxable year; or**

(ii) the county income tax for the taxable year.

(2) (i) A county may provide, by law, for a refundable county earned income credit as provided in this paragraph.

(ii) If a county provides for a refundable county earned income credit under this paragraph, on or before July 1 prior to the beginning of the first taxable year for which it is applicable, the county shall give the Comptroller notice of the refundable county earned income credit.

(iii) If a county provides for a refundable county earned income credit under this paragraph, a resident may claim a refund of the amount, if any, by which the product of multiplying the credit allowable for the taxable year under § 32 of the Internal Revenue Code by 5 times the county income tax rate for the taxable year exceeds the county income tax for the taxable year.

(iv) The amount of any refunds payable under a refundable county earned income credit operates to reduce the income tax revenue from individuals attributable to the county income tax for that county.

(d) For an individual who is a resident of the State for only a part of the year, the amount of the credit or refund allowed under this section shall be determined based on the part of the earned income credit allowable for the taxable year under § 32 of the Internal Revenue Code that is attributable to Maryland, determined by multiplying the federal earned income credit by a fraction:

(1) the numerator of which is the Maryland adjusted gross income of the individual; and

(2) the denominator of which is the federal adjusted gross income of the individual.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017, and shall be applicable to all taxable years beginning after December 31, 2016.