

SB0488/609933/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 488
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Zucker” and substitute, “Zucker, Eckardt, Edwards, Griffith, Rosapepe, and Salling”; and in line 13, after “Act;” insert “providing for a delayed effective date for certain provisions of this Act;”.

On page 2, after line 2, insert:

“BY repealing and reenacting, with amendments,

Article - Tax - General

Section 10-207(hh) and 10-209

Annotated Code of Maryland

(2016 Replacement Volume and 2019 Supplement)

(As enacted by Section 2 of this Act)”.

AMENDMENT NO. 2

On page 2, after line 32, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

10–207.

(a) To the extent included in federal adjusted gross income, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.”.

(Over)

SB0488/609933/1 Budget and Taxation Committee
Amendments to SB 488
Page 2 of 7

On page 3, in line 26, strike “\$20,000” and substitute “\$10,000”; and after line 29, insert:

“10–209.

(a) (1) In this section the following words have the meanings indicated.

(2) “Correctional officer” means an individual who:

(i) was employed in:

1. a State correctional facility, as defined in § 1–101 of the Correctional Services Article;

2. a local correctional facility, as defined in § 1–101 of the Correctional Services Article;

3. a juvenile facility included in § 9–226 of the Human Services Article; or

4. a facility of the United States that is equivalent to a State or local correctional facility or a juvenile facility included in § 9–226 of the Human Services Article; and

(ii) is eligible to receive retirement income attributable to the individual’s employment under item (i) of this paragraph.

(3) “Emergency services personnel” means emergency medical technicians or paramedics.

(4) (i) “Employee retirement system” means a plan:

SB0488/609933/1 Budget and Taxation Committee
Amendments to SB 488
Page 3 of 7

1. established and maintained by an employer for the benefit of its employees; and

2. qualified under § 401(a), § 403, or § 457(b) of the Internal Revenue Code.

(ii) “Employee retirement system” does not include:

1. an individual retirement account or annuity under § 408 of the Internal Revenue Code;

2. a Roth individual retirement account under § 408A of the Internal Revenue Code;

3. a rollover individual retirement account;

4. a simplified employee pension under Internal Revenue Code § 408(k); or

5. an ineligible deferred compensation plan under § 457(f) of the Internal Revenue Code.

(b) Subject to subsections (d) and (e) of this section, to determine Maryland adjusted gross income, if, on the last day of the taxable year, a resident is at least 65 years old or is totally disabled or the resident’s spouse is totally disabled, or the resident is at least 55 years old and is a retired correctional officer, law enforcement officer, or fire, rescue, or emergency services personnel of the United States, the State, or a political subdivision of the State, an amount is subtracted from federal adjusted gross income equal to the lesser of:

(1) the cumulative or total annuity, pension, or endowment income from

(Over)

SB0488/609933/1 Budget and Taxation Committee
Amendments to SB 488
Page 4 of 7

an employee retirement system included in federal adjusted gross income; or

(2) the maximum annual benefit under the Social Security Act computed under subsection (c) of this section, less any payment received as old age, survivors, or disability benefits under the Social Security Act, the Railroad Retirement Act, or both.

(c) For purposes of subsection (b)(2) of this section, the Comptroller:

(1) shall determine the maximum annual benefit under the Social Security Act allowed for an individual who retired at age 65 for the prior calendar year; and

(2) may allow the subtraction to the nearest \$100.

(d) (1) Military retirement income that is included in the subtraction under § 10–207(q) of this subtitle may not be taken into account for purposes of the subtraction under this section.

(2) PUBLIC SAFETY EMPLOYEE RETIREMENT INCOME THAT IS INCLUDED IN THE SUBTRACTION UNDER § 10–207(HH) OF THIS SUBTITLE MAY NOT BE TAKEN INTO ACCOUNT FOR PURPOSES OF THE SUBTRACTION UNDER THIS SECTION.

(e) In the case of a retired correctional officer, law enforcement officer, or fire, rescue, or emergency services personnel of the United States, the State, or a political subdivision of the State, the amount included under subsection (b)(1) of this section is limited to the first ~~[\$15,000]~~ **\$7,500** of retirement income that is attributable to the resident's employment as a correctional officer, a law enforcement officer, or fire, rescue, or emergency services personnel of the United States, the State, or a political subdivision of the State unless:

SB0488/609933/1 Budget and Taxation Committee
Amendments to SB 488
Page 5 of 7

- (1) the resident is at least 65 years old or is totally disabled; or
- (2) the resident's spouse is totally disabled.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

10-207.

(a) To the extent included in federal adjusted gross income, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

(hh) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Correctional officer” means an individual who:

1. was employed in:

A. a State correctional facility, as defined in § 1-101 of the Correctional Services Article;

B. a local correctional facility, as defined in § 1-101 of the Correctional Services Article;

C. a juvenile facility included in § 9-226 of the Human Services Article; or

(Over)

SB0488/609933/1 Budget and Taxation Committee
Amendments to SB 488
Page 6 of 7

D. a facility of the United States that is equivalent to a State or local correctional facility or a juvenile facility included in § 9–226 of the Human Services Article; and

2. is eligible to receive retirement income attributable to the individual’s employment under item 1 of this subparagraph.

(iii) “Emergency services personnel” means emergency medical technicians or paramedics.

(iv) “Employee retirement system” has the meaning stated under § 10–209(a) of this subtitle.

(v) “Public safety employee” means an individual who is a retired correctional officer, law enforcement officer, or fire, rescue, or emergency services worker of the United States, the State, or a political subdivision of the State.

(2) The subtraction under subsection (a) of this section includes the first ~~[\$10,000]~~ **\$20,000** of income from an employee retirement system that is attributable to service as a public safety employee, if the income is received by an individual who is at least 55 years old on the last day of the taxable year.”.

On page 5, in line 5, strike “and (e)”; in line 21, strike “**(1)**” and substitute “(1)”; strike in their entirety lines 24 through 27, inclusive, and substitute:

“(2) Public safety employee retirement income that is included in the subtraction under § 10–207(hh) of this subtitle may not be taken into account for purposes of the subtraction under this section.”;

and in line 31, strike “\$15,000” and substitute “\$7,500”.

On page 6, after line 1, insert:

SB0488/609933/1 Budget and Taxation Committee
Amendments to SB 488
Page 7 of 7

“SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2021, and shall be applicable to all taxable years beginning after December 31, 2020, but before January 1, 2022.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2022, and shall be applicable to all taxable years beginning after December 31, 2021.”;

in line 2, strike “2.” and substitute “6.”; and in the same line, after “That” insert “, except as provided in Sections 4 and 5 of this Act.”.