

Department of Legislative Services  
Maryland General Assembly  
2026 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1197  
Ways and Means

(Delegates Palakovich Carr and Feldmark)

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Taxes - Whistleblower Reward Program - Alterations

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This bill expands covered tax enforcement actions under the Comptroller’s whistleblower reward program to include judicial or administrative actions brought by the Attorney General or a State agency concerning a tax imposed under State statute that is collected by or paid to the State. The bill makes various conforming changes and specifies related information sharing requirements.

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Fiscal Summary

**State Effect:** General and/or special fund revenues potentially increase beginning in FY 2027 to the extent the bill results in additional tax enforcement actions. General fund expenditures for the Comptroller’s Office may increase, likely minimally, beginning in FY 2027, as discussed below.

**Local Effect:** Local revenues potentially increase to the extent the bill results in additional enforcement actions relating to tax revenue collected by the State and distributed to local governments. Local expenditures are not affected.

**Small Business Effect:** Minimal.

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Analysis

**Current Law/Bill Summary:** Chapter 515 of 2021 established a whistleblower reward program within the Comptroller’s Office. A whistleblower who voluntarily provides original information to the Comptroller in a sworn affidavit that, because of the original information, results in a final assessment in a covered enforcement action or successful outcome against a taxpayer in a related action is entitled to receive a monetary award of at

least 15% but not more than 30% of the taxes, penalties, and interest collected through the enforcement action or related action. If two or more whistleblowers are eligible for an award arising out of the same action, the total award may not exceed 30% of the taxes, penalties, and interest collected through the enforcement action or related action, and the Comptroller must determine the allocation of the award among the whistleblowers. A whistleblower may challenge an award determination in accordance with the State's Administrative Procedure Act within 45 days of the determination.

“Covered action” is defined as an enforcement action brought by the Comptroller under the Tax-General Article that involves disputed taxes exceeding \$250,000 and that concerns (1) the State and county income tax liability of an individual taxpayer or a married couple filing jointly whose federal adjusted gross income is at least \$250,000, or (2) the State and county tax liability of a business (including any person liable for the business's State tax liability) whose annual gross receipts or sales are at least \$2.0 million. “Related action” means any judicial or administrative action brought by a State or local agency or entity based on the original information provided by a whistleblower to the Comptroller.

*Under the bill*, the definition of “covered action” is expanded to include a judicial or administrative action brought by the Attorney General or a State agency under the Tax-General Article or any other article concerning the tax liability of an individual or business, generally (subject to the existing minimum thresholds relating to the amount of taxes in dispute, federal AGI, and business gross receipts). Accordingly, the bill repeals the term “related action” and makes various other conforming changes. The bill states that the whistleblower reward program applies only to a covered enforcement action for which the Comptroller, the Attorney General, or a State agency is authorized to bring in the enforcement of a tax that is (1) imposed under the Tax-General Article or any other article and (2) collected by or paid to the State.

The bill further specifies that if a whistleblower provides original information to the Comptroller involving a tax for which the Attorney General or a State agency is authorized to bring a covered enforcement action, the Comptroller must provide the original information to the Attorney General or the State agency, as applicable. If, because of a whistleblower's original information, the Attorney General or a State agency brings a covered enforcement action that results in a final assessment, the Attorney General or the State agency must promptly provide to the Comptroller information pertaining to the final assessment for purposes of making a determination concerning a monetary award.

**State/Local Revenues:** State general and/or special fund revenues may increase beginning in fiscal 2027 to the extent the bill results in additional tax enforcement actions. Local revenues are potentially also affected to the extent the bill results in additional enforcement actions relating to tax revenue collected by the State and distributed to local governments. Any such effects cannot be reliably predicted at this time.

**State Expenditures:** The Comptroller’s Office may incur additional administrative hearing costs beginning in fiscal 2027 to the extent the bill’s expansion to the program’s scope results in any additional challenges to award determinations. Any such effect is expected to be minimal.

The Comptroller’s Office further advises the Department of Legislative Services (DLS) that an additional full-time assistant Attorney General is needed in order to administer the expanded whistleblower reward program, with related estimated costs exceeding \$110,000 in fiscal 2027. The Comptroller’s Office reports that the whistleblower reward program is currently administered by one staff member with several other responsibilities. DLS is unable to independently verify the Comptroller’s personnel needs at this time and advises that the Comptroller’s Office can request additional resources through the annual budget process as needed. Any related general fund expenditures are not reflected in this analysis.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** SB 766 (Senator Zucker) - Budget and Taxation.

**Information Source(s):** Alcohol, Tobacco, and Cannabis Commission; Office of the Attorney General; Comptroller’s Office; Judiciary (Administrative Office of the Courts); Maryland Department of Agriculture; Maryland Department of the Environment; Department of Natural Resources; Maryland Department of Transportation; Maryland Insurance Administration; Maryland State Lottery and Gaming Control Agency; Public Service Commission; Department of Legislative Services

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