

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 1219
Ways and Means

(Delegate Impallaria, *et al.*)

Sales and Use Tax - Exemption - Veterans Organizations

This bill exempts from the sales and use tax a sale made to a bona fide nationally organized and recognized veterans' organization or an auxiliary of the organization or its units, if the organization is qualified as tax exempt under Section 501 (c) (19) of the Internal Revenue Code.

The bill takes effect July 1, 2005.

Fiscal Summary

State Effect: General fund revenues would decrease, depending on the amount of sales made to veterans' organizations in the State. Under one set of assumptions, general fund revenues could decrease by \$275,000 annually.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The State sales and use tax rate is 5%. However, sales made to several different types of organizations are exempt from the sales and use tax as provided under Section 11-204 of the Tax – General Article. These include sales made to: (1) tax-exempt cemetery companies; (2) a credit union organized under the laws of the State or of the U.S.; (3) specified nonprofit organizations; (4) specified nonprofit incorporated senior citizens' organizations if the sale does not exceed \$500; (5) a volunteer fire

company or department or volunteer ambulance company or rescue squad located in the State made to carry on the work of the company, department, or squad; (6) a nonprofit parent-teacher association located in the State if the association makes the purchase to contribute the property to a school to which a sale is exempt; and (7) a nonprofit organization made to carry on its work, if the organization is qualified as tax exempt under Section 501(c)(4) of the Internal Revenue Code and is engaged primarily in providing a program to render its best efforts to contain, clean up, and otherwise mitigate spills of oil or other substances occurring in U.S. coastal and tidal waters.

The sales tax does not apply to a sale of food if the proceeds are used to support a bona fide nationally organized and recognized veterans' organization or auxiliary.

Background: There are 134 Congressionally-chartered veterans' organizations in the U.S. Thirty-five have active chapters in Maryland and another 12 have no current members in the State. Maryland has 154 American Legion Posts as well as 125 Sons of the American Legion Posts.

The following states have a general exemption from the sales tax for sales to veterans' organizations: Alabama (state headquarters only), Florida, Minnesota (if the material is to be used for charitable, civic, education, etc. uses and not for social, recreational, or profit, etc. uses), New Jersey, New York, Oklahoma (for the Disabled American Veterans, Department of Oklahoma only), and South Carolina.

State Fiscal Effect: General fund revenues will decrease as a result of the exemption from the sales tax being provided to sales made to qualified veterans' organizations. However, the amount of the revenue decrease depends on the amount of sales made to qualifying veterans' groups and the value of these sales, which cannot be reliably estimated at this time.

For illustrative purposes only, the Tax Expenditure Report for fiscal 2004 indicates that the sales tax exemption for food sold by these organizations for consumption on their premises is estimated to reduce State sales tax revenues by \$1.1 million in fiscal 2004 (most recent data available). Assuming these organizations purchase the food and supplies for half the price at which they sell the prepared food and assuming that half of these food and supply purchases are already exempt under the food exemption, sales tax revenues from the organizations' purchases would decline by \$275,000 annually. Additional exempt purchases of major items for the organizations' facilities could cause the revenue loss to be higher.

As drafted, the bill would apply to groups who are associated with veterans' organizations, but members of these associated groups do not have to be veterans.

Additional Information

Prior Introductions: This bill was introduced as HB 409 in the 2004 session. No action was taken by the House Ways and Means Committee.

Cross File: None designated, although SB 6 is identical.

Information Source(s): Comptroller's Office, Department of Legislative Services

Fiscal Note History: First Reader - February 16, 2005
mam/hlb

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