

HOUSE BILL 901

Q8

11r2881
CF SB 529

By: **Delegate Bartlett (By Request – Anne Arundel County Administration)**

Introduced and read first time: February 2, 2021

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2021

CHAPTER _____

1 AN ACT concerning

2 **Anne Arundel County – Hotel Tax Alterations – Distribution of Revenue**

3 FOR the purpose of requiring a certain percentage of the hotel tax revenue generated in
4 the City of Annapolis to be distributed to a special fund to be used only to provide
5 funds to the Annapolis Art in Public Places Commission; requiring a certain
6 percentage of the hotel tax revenue generated in the City of Annapolis to be
7 distributed to a certain fund to be used only for housing assistance payments;
8 requiring the Commission to report to the City of Annapolis and certain committees
9 and members of the General Assembly on or before a certain date; requiring certain
10 percentages of the hotel tax revenue generated in the City of Annapolis and Anne
11 Arundel County to be distributed to certain special funds; altering a certain
12 reporting requirement; authorizing the County Auditor of Anne Arundel County to
13 conduct an audit of certain organizations; requiring the Auditor to report any audit
14 findings to the County Executive of Anne Arundel County; authorizing Anne Arundel
15 County and the City of Annapolis to withhold funds dedicated to certain
16 organizations under certain circumstances; making a stylistic change; defining
17 certain terms; and generally relating to the hotel tax in Anne Arundel County.

18 BY repealing and reenacting, with amendments,
19 Article – Local Government
20 Section 20–603
21 Annotated Code of Maryland
22 (2013 Volume and 2020 Supplement)

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.



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

3 **Article – Local Government**

4 20–603.

5 (a) By ordinance, Anne Arundel County may impose a sales or use tax on:

6 (1) fuel and utilities used by commercial and industrial businesses;

7 (2) residential, commercial, and industrial telephone service; and

8 (3) space rentals other than space rentals for the docking or storing of
9 boats.

10 (b) (1) Any revenues collected under subsection (a)(1) and (2) of this section in
11 the City of Annapolis shall be allocated and distributed in equal amounts to the City of
12 Annapolis and to Anne Arundel County.

13 (2) Except as otherwise provided in this subsection, any revenue generated
14 in the City of Annapolis from the tax on space rentals shall be collected and retained by the
15 City of Annapolis.

16 (3) Except as provided in paragraph (6) of this subsection, any revenue
17 generated in the City of Annapolis from the hotel tax shall be collected by Anne Arundel
18 County.

19 (4) From any revenue generated in the City of Annapolis from the hotel
20 tax, Anne Arundel County shall distribute:

21 **(I) 3% TO A SPECIAL FUND TO BE USED ONLY TO PROVIDE**
22 **FUNDS TO THE ANNAPOLIS ART IN PUBLIC PLACES COMMISSION;**

23 **[(i)] (II) 3% to A SPECIAL FUND TO BE USED ONLY TO PROVIDE**
24 **FUNDS TO the Arts Council of Anne Arundel County, Inc.; ~~and~~**

25 **[(ii)] (III) 17% to A SPECIAL FUND TO BE USED ONLY TO PROVIDE**
26 **FUNDS TO the Annapolis and Anne Arundel County Conference and Visitors Bureau; AND**

27 **(IV) 3% TO THE AFFORDABLE HOUSING TRUST FUND**
28 **ESTABLISHED UNDER § 20.30.070 OF THE CODE OF THE CITY OF ANNAPOLIS TO BE**
29 **USED ONLY FOR HOUSING ASSISTANCE PAYMENTS.**

1 (5) After making the distributions required under paragraph (4) of this
2 subsection, the balance of the revenue generated in the City of Annapolis from the hotel
3 tax shall be distributed to the City of Annapolis.

4 (6) (i) Anne Arundel County may authorize the City of Annapolis to
5 collect revenue generated in the City of Annapolis from the hotel tax.

6 (ii) If Anne Arundel County authorizes the City of Annapolis to
7 collect revenue generated in the City of Annapolis from the hotel tax, the City of Annapolis
8 shall distribute a percentage of the revenue in accordance with paragraph (4) of this
9 subsection and retain the balance of the revenue generated.

10 (c) (1) From the county's share of revenue from the hotel tax, Anne Arundel
11 County shall distribute:

12 (i) 3% to **A SPECIAL FUND TO BE USED ONLY TO PROVIDE FUNDS**
13 **TO** the Arts Council of Anne Arundel County, Inc.; and

14 (ii) 17% to **A SPECIAL FUND TO BE USED ONLY TO PROVIDE**
15 **FUNDS TO** the Annapolis and Anne Arundel County Conference and Visitors Bureau.

16 (2) After making the distributions required under paragraph (1) of this
17 subsection, the balance of the county's share of revenue from the hotel tax shall be credited
18 to the general fund of the county.

19 **(D) (1) ON OR BEFORE NOVEMBER 1 EACH YEAR, THE ANNAPOLIS ART**
20 **IN PUBLIC PLACES COMMISSION SHALL REPORT ON ITS USE OF HOTEL TAX**
21 **REVENUE DURING THE PRECEDING FISCAL YEAR TO:**

22 **(I) THE MAYOR AND CITY COUNCIL OF THE CITY OF**
23 **ANNAPOLIS; AND**

24 **(II) IN ACCORDANCE WITH § 2-1257 OF THE STATE**
25 **GOVERNMENT ARTICLE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE**
26 **HOUSE COMMITTEE ON WAYS AND MEANS, AND THE MEMBERS OF THE GENERAL**
27 **ASSEMBLY REPRESENTING THE CITY OF ANNAPOLIS.**

28 **(2) IF THE ANNAPOLIS ART IN PUBLIC PLACES COMMISSION FAILS**
29 **TO SUBMIT THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION,**
30 **THE CITY OF ANNAPOLIS MAY WITHHOLD FROM APPROPRIATION SPECIAL FUNDS**
31 **DEDICATED TO THE COMMISSION UNDER THIS SECTION.**

32 **[(d)] (E) (1) The Arts Council of Anne Arundel County, Inc. and the**
33 **Annapolis and Anne Arundel County Conference and Visitors Bureau shall report ON**
34 **THEIR USE OF HOTEL TAX REVENUE DURING THE PRECEDING FISCAL YEAR to:**

1 (I) the Anne Arundel County Executive;

2 (II) THE MAYOR AND CITY COUNCIL OF THE CITY OF
3 ANNAPOLIS; AND

4 (III) IN ACCORDANCE WITH § 2-1257 OF THE STATE
5 GOVERNMENT ARTICLE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE
6 HOUSE COMMITTEE ON WAYS AND MEANS, and the members of the General Assembly
7 representing Anne Arundel County [on their use of hotel tax revenue during the preceding
8 fiscal year].

9 (2) THE COUNTY AUDITOR OF ANNE ARUNDEL COUNTY:

10 (I) MAY CONDUCT AN AUDIT OF THE FINANCIAL RECORDS OF
11 THE ARTS COUNCIL OF ANNE ARUNDEL COUNTY, INC. OR THE ANNAPOLIS AND
12 ANNE ARUNDEL COUNTY CONFERENCE AND VISITORS BUREAU; AND

13 (II) SHALL REPORT ANY AUDIT FINDINGS UNDER ITEM (I) OF
14 THIS PARAGRAPH TO THE GOVERNING BODY OF ANNE ARUNDEL COUNTY.

15 (3) (I) THE CITY OF ANNAPOLIS OR ANNE ARUNDEL COUNTY MAY
16 WITHHOLD FROM APPROPRIATION SPECIAL FUNDS DEDICATED TO THE ARTS
17 COUNCIL OF ANNE ARUNDEL COUNTY UNDER THIS SECTION IF THE COUNCIL FAILS
18 TO:

19 1. SUBMIT THE REPORT REQUIRED UNDER PARAGRAPH
20 (1) OF THIS SUBSECTION; OR

21 2. CORRECT ANY AUDIT FINDINGS IDENTIFIED UNDER
22 PARAGRAPH (2) OF THIS SUBSECTION.

23 (II) THE CITY OF ANNAPOLIS OR ANNE ARUNDEL COUNTY MAY
24 WITHHOLD FROM APPROPRIATION SPECIAL FUNDS DEDICATED TO THE ANNAPOLIS
25 AND ANNE ARUNDEL COUNTY CONFERENCE AND VISITORS BUREAU UNDER THIS
26 SECTION IF THE BUREAU FAILS TO:

27 1. SUBMIT THE REPORT REQUIRED UNDER PARAGRAPH
28 (1) OF THIS SUBSECTION; OR

29 2. CORRECT ANY AUDIT FINDINGS IDENTIFIED UNDER
30 PARAGRAPH (2) OF THIS SUBSECTION.

1 [(e)] (F) The hotel tax authorized under this section does not apply to the sale of
2 a right to occupy a room or lodgings as a transient guest at a dormitory or other lodging
3 facility that:

4 (1) is operated solely in support of the headquarters, a training facility, a
5 conference facility, an awards facility, or the campus of a corporation or other organization;

6 (2) provides lodging solely for employees, contractors, vendors, and other
7 invitees of the corporation that owns the dormitory or lodging facility; and

8 (3) does not offer lodging services to the general public.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
10 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.