

HB0454/893526/1

BY: Ways and Means Committee

AMENDMENTS TO HOUSE BILL 454
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first “of” insert “altering the definition of “tax information” for purposes of provisions of law governing the confidentiality and disclosure of tax information;”; in line 5, strike “persons” and substitute “tax compliance organizations”; in line 8, strike “party” and substitute “person or governmental entity”; in the same line, strike “data use”; in line 9, after “agreement;” insert “requiring the Comptroller, when disclosing tax information in accordance with certain provisions of law, to supervise the recipient of the tax information in a certain manner;”; in line 15, strike “13–203(c)” and substitute “13–101, 13–201, 13–203(c),”; and in line 20, after “13–203(f)” insert “and (g)”.

AMENDMENT NO. 2

On page 1, after line 25, insert:

“13–101.

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

(b) (1) “Demand response trip” means the carriage of a passenger who is unable to use regular schedule, fixed termini services.

(2) “Demand response trip” includes a trip that is required under the federal Americans with Disabilities Act.

(c) “GOVERNMENTAL ENTITY” MEANS:

(1) A GOVERNMENTAL UNIT; AND

(2) AN INSTRUMENTALITY OF:

(I) ONE OR MORE STATES;

(II) ONE OR MORE POLITICAL SUBDIVISIONS OF A STATE; OR

(III) ONE OR MORE STATES AND POLITICAL SUBDIVISIONS OF STATES.

~~[(c)]~~ (D) “Governmental unit” means:

(1) this State or a political subdivision, unit, or instrumentality of this State;

(2) another state or a political subdivision, unit, or instrumentality of that state; and

(3) a unit or instrumentality of a political subdivision of this State or of another state.

~~[(d)]~~ (E) (1) “Tax collector” means the person or governmental unit responsible for collecting a tax.

(2) “Tax collector” includes:

(i) the Comptroller;

(ii) the Department, with respect to:

1. the financial institution franchise tax; and

2. the public service company franchise tax; and
- (iii) the registers of wills, with respect to the inheritance tax.

(F) “TAX COMPLIANCE ACTIVITY” MEANS ANY ACTIVITY THAT SUPPORTS THE COMPTROLLER IN ADMINISTERING THE LAWS DESCRIBED IN § 2-102 OF THIS ARTICLE.

(G) “TAX COMPLIANCE ORGANIZATION” MEANS AN ORGANIZATION:

(1) A PURPOSE OF WHICH IS TO ASSIST STATE TAX OFFICIALS IN ENSURING COMPLIANCE WITH AND ENFORCING STATE AND FEDERAL TAX LAWS;

(2) THE MEMBERSHIP OF WHICH CONSISTS SOLELY OF:

(I) STATES; OR

(II) STATE TAX COLLECTORS, COMPTROLLERS, OR DIRECTORS OF REVENUE AND THEIR EMPLOYEES; AND

(3) OF WHICH THE STATE IS A MEMBER OR PARTICIPANT.

13-201.

In this subtitle, “tax information” means:

(1) ANY TAX RETURN, INFORMATION RETURN, DECLARATION OF ESTIMATED TAX, EXTENSION OF TIME TO FILE A RETURN, OR CLAIM FOR REFUND UNDER THIS ARTICLE THAT IS FILED WITH THE TAX COLLECTOR BY, ON BEHALF

(Over)

**OF, OR WITH RESPECT TO ANY PERSON AND ANY AMENDMENT OR SUPPLEMENT
THERE TO, INCLUDING SUPPORTING SCHEDULES, ATTACHMENTS, OR LISTS THAT
ARE SUPPLEMENTAL TO OR A PART OF THE RETURN;**

[(1)] (2) the amount of income or any other particulars disclosed in a tax return required under this article, if the return contains return information, as defined in § 6103 of the Internal Revenue Code;

[(2)] (3) any RETURN OR return information, as defined in § 6103 of the Internal Revenue Code, required to be attached to or included in a tax return required under this article; or

[(3)] (4) any information contained in:

(i) an admissions and amusement tax return;

(ii) an alcoholic beverage tax return;

(iii) a bay restoration fee return;

(iv) a boxing and wrestling tax return;

(V) **A DIGITAL ADVERTISING GROSS REVENUES TAX RETURN;**

[(v)] (VI) an E-9-1-1 fee return;

[(vi)] (VII) a financial institution franchise tax return;

[(vii)] (VIII) an inheritance tax return;

[(viii)] (IX) a Maryland estate tax return;

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[(ix)] (X) a motor carrier tax return;

[(x)] (XI) a motor fuel tax return;

[(xi)] (XII) an other tobacco products tax return;

[(xii)] (XIII) a public service company franchise tax return;

[(xiii)] (XIV) a sales and use tax return;

[(xiv)] (XV) a savings and loan association franchise tax return;

[(xv)] (XVI) a tire recycling fee return;

[(xvi)] (XVII) a tobacco tax return; or

[(xvii)] (XVIII) a transportation services assessment return.”.

On page 2, in line 1, strike “**SUBSECTION (F)**” and substitute “**SUBSECTIONS (F) AND (G)**”.

On page 3, in line 15, strike “**A PERSON OR GOVERNMENTAL ENTITY**” and substitute “**A PERSON, GOVERNMENTAL ENTITY, OR TAX COMPLIANCE ORGANIZATION**”; in line 17, strike “**WHEN**” and substitute “**EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, BEFORE**”; in line 18, strike “**SHALL**” and substitute “**MAY, IN ITS SOLE DISCRETION,**”; in the same line, strike “**PARTY**” and substitute “**PERSON OR GOVERNMENTAL ENTITY**”; in line 20, strike “**DATA USE**”; in the same line, after “**AGREEMENT**” insert “**REGARDING THE USE AND SECURITY OF THE TAX INFORMATION**”; and after line 22, insert:

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“(G) (1) BEFORE DISCLOSING TAX INFORMATION UNDER SUBSECTION (C)(9), (12), (14), (15), OR (16) OF THIS SECTION, THE COMPTROLLER SHALL REQUIRE THE PARTY TO WHOM THE TAX INFORMATION IS TO BE DISCLOSED TO ENTER INTO A BINDING, WRITTEN AGREEMENT REGARDING THE USE AND SECURITY OF THE TAX INFORMATION, THE TERMS OF WHICH SHALL BE:

(I) PRESCRIBED BY THE COMPTROLLER ACCORDING TO THE COMPTROLLER’S DATA SECURITY POLICIES;

(II) CONSISTENT WITH STATE AND FEDERAL REQUIREMENTS, INCLUDING § 6103(A) OF THE INTERNAL REVENUE CODE; AND

(III) IN COMPLIANCE WITH § 6103(B)(5)(B)(III) OF THE INTERNAL REVENUE CODE, BY SUBSTITUTING “COMPTROLLER” FOR “SECRETARY”.

(2) THE COMPTROLLER SHALL ADEQUATELY SUPERVISE THE RECIPIENT OF THE TAX INFORMATION UNDER SUBSECTION (C)(9), (12), (14), (15), OR (16) OF THIS SECTION AT ALL TIMES.”.

On page 3 in line 25, and on page 4 in line 2, in each instance, after “PERSON” insert “, GOVERNMENTAL ENTITY, OR TAX COMPLIANCE ORGANIZATION”.