

HB0398/293029/1

BY: Ways and Means Committee

AMENDMENTS TO HOUSE BILL 398

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Sales and Use Tax**” and substitute “**Taxes**”; in line 5, after the first “of” insert “authorizing the Prince George’s County Council to impose, by local ordinance, an excise tax on certain telecommunications service in Prince George’s County in addition to, or instead of, a sales and use tax;”; in line 6, strike “the sales and use” and substitute “a certain”; in line 8, strike “the sales and use tax” and substitute “taxes”; strike in their entirety lines 16 through 20, inclusive; and in line 23, strike “20–605(e)(2)” and substitute “20–605”.

AMENDMENT NO. 2

On page 2, after line 24, insert:

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

(2) “Mobile Telecommunications Sourcing Act” means the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. §§ 116 through 126.

(3) “Service address” means:

(i) except as provided in item (ii) of this paragraph, the location of the telecommunications equipment to which a call is charged, regardless of where the call is billed or paid; and

(ii) in the case of mobile telecommunications service, the location of the customer’s place of primary use as defined in the Mobile Telecommunications Sourcing Act.”;

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in line 25, strike “the sales and use” and substitute “A”; after line 29, insert:

“(2) Notwithstanding paragraph (1) of this subsection, and except as provided in paragraph (3) of this subsection, for a customer bill to which the amendment made by the Mobile Telecommunications Sourcing Act applies, [the sales and use] A tax imposed under this section applies to mobile telecommunications service to the fullest extent authorized under § 117(b) of the Mobile Telecommunications Sourcing Act.

(3) A tax imposed under this section does not apply to:

(i) telecommunications service provided to a person to whom a sale of tangible personal property or a taxable service is exempt under § 11-204 or § 11-220 of the Tax – General Article;

(ii) a prepaid telephone calling arrangement that is taxable under Title 11 of the Tax – General Article; or

(iii) telephone lifeline service provided under § 8-201 of the Public Utilities Article.”;

in line 30, after “impose” insert “**AT LEAST ONE OF THE FOLLOWING:**”

(1)”;

in line 32, after “5%” insert “**; OR**”

(2) AN EXCISE TAX ON TELECOMMUNICATIONS SERVICE IN PRINCE GEORGE’S COUNTY AT A RATE NOT EXCEEDING \$3.50 MONTHLY FOR EACH TELEPHONE LINE”;

and after line 32, insert:

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“(d) (1) [The] A tax imposed under this section shall be itemized on each bill for telecommunications service in Prince George’s County.

(2) Each vendor providing telecommunications service in Prince George’s County shall collect the tax on behalf of and remit the tax to the county.”.

On page 3, in line 1, strike the second “the” and substitute “A”; after line 18, insert:

“(3) Among the expenditures to be funded from the proceeds, the Prince George’s County Board of Education shall consider:

(i) a program to serve disruptive, delinquent, or low-performing students in grades 6 through 12 that:

1. provides proof of progress in reading and mathematics;
2. is designed to include small learning communities and areas of support services provided by community-based providers; and
3. is operated by an educational provider with substantial experience serving the type of student population served by the program in separate school facilities provided by the education provider, unless the public school system decides otherwise;

(ii) a Spanish language immersion program to serve at least 450 students in kindergarten through grade 5 in order to address long-term labor needs for bilingual employees; and

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(iii) addressing any needs related to capital improvements or renovations that are the result of the deferral of maintenance or other deterioration of school facilities.”;

and in line 21, strike the first “the” and substitute “A”.