

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL NO. 1148

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after the first “for” insert “and claiming”; in line 17, strike “altering” and substitute “clarifying”; in line 23, after “applicability” insert “of this Act; providing for the effect of certain notification regarding certain actions taken before the effective date”; and after line 26, insert:

“BY repealing and reenacting, with amendments,

Article - Insurance

Section 6-116

Annotated Code of Maryland

(1997 Volume and 1998 Supplement)

BY repealing and reenacting, with amendments,

Article - Tax - General

Section 8-217, 8-414, and 10-704.8

Annotated Code of Maryland

(1997 Replacement Volume and 1998 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 9, insert:

“Article - Insurance

6-116.

An insurer may claim a State tax credit against the premium tax payable under this subtitle [for new or expanded business premises] as provided under § 9-230(f)(1) of the Tax - Property Article.

(Over)

Article - Tax - General

8-217.

A financial institution may claim a State tax credit against the financial institution franchise tax payable under this subtitle [for new or expanded business premises] as provided under § 9-230[(f)(1)] of the Tax - Property Article.

8-414.

A public service company may claim a State tax credit against the public service company franchise tax payable under this subtitle [for new or expanded business premises] as provided under § 9-230[(f)(1)] of the Tax - Property Article.

10-704.8.

An individual or a corporation may claim a State tax credit against the income tax [for new or expanded business premises] as provided under § 9-230[(f)(1)] of the Tax - Property Article.”.

AMENDMENT NO. 3

On page 3, after line 20, insert:

“(7) “NOTIFICATION DATE” MEANS THE DATE ON WHICH THE BUSINESS ENTITY PROVIDES WRITTEN NOTICE TO THE COUNTY OR MUNICIPAL CORPORATION AS REQUIRED UNDER SUBSECTION (B)(6) OF THIS SECTION.”;

in line 30, after “(2)” insert “(I)”; in the same line, strike “OR ENHANCED PROPERTY TAX CREDIT”; in line 31, in each instance, strike the bracket; in the same line, strike “THIS SECTION”; in line 32, strike “PROPERTY TAX CREDIT OR ENHANCED”; in line 37, strike “SUBSECTIONS” and substitute “SUBSECTION”; and in the same line, strike “AND (D)(4)”; and after line 37, insert:

“(II) IF AN ENHANCED PROPERTY TAX CREDIT IS GRANTED UNDER THIS SECTION AND A BUSINESS ENTITY AND ITS AFFILIATES MEET

THE REQUIREMENTS FOR THE ENHANCED PROPERTY TAX CREDIT AND OBTAIN CERTIFICATION FROM THE COUNTY OR MUNICIPAL CORPORATION, THE BUSINESS ENTITY OR ANY OF ITS AFFILIATES MAY CLAIM A STATE TAX CREDIT AGAINST THE INDIVIDUAL OR CORPORATE INCOME TAX, INSURANCE PREMIUMS TAX, FINANCIAL INSTITUTION FRANCHISE TAX, OR PUBLIC SERVICE COMPANY FRANCHISE TAX AS PROVIDED UNDER SUBSECTION (D)(4) OF THIS SECTION.”.

On page 5, in line 3, after “CREDIT” insert “FOR THE TAXABLE YEAR THAT FOLLOWS THE DATE ON WHICH IT MET THE REQUIREMENTS”; in line 15, strike “ANY”; in the same line, after “LAW” insert “ADOPTED UNDER SUBSECTION (B)(1) OF THIS SECTION”; in line 29, strike the second and third brackets; in the same line, strike “CERTIFICATION”; in line 30, strike “MEETS THE REQUIREMENTS” and substitute “HAS BEEN CERTIFIED”; and in line 32, after “Comptroller” insert “OR, IN THE CASE OF THE INSURANCE PREMIUMS TAX, THE MARYLAND INSURANCE COMMISSIONER,”.

AMENDMENT NO. 4

On page 6, in line 7, strike “300,000” and substitute “250,000”; in the same line, strike the first “OR” and substitute “OF”; in line 11, strike “2,000” and substitute “2,500”; in line 12, strike “IN THE STATE”; in line 13, strike “DURING EACH YEAR IN WHICH THE CREDIT IS” and substitute “AND LOCATED AT PREMISES IN THE STATE WHERE THE BUSINESS ENTITY, ALONG WITH ITS AFFILIATES, IS PRIMARILY ENGAGED IN ONE OR MORE OF THE INDUSTRIES LISTED IN PARAGRAPH (2) OF THIS SUBSECTION”; in line 14, strike “CLAIMED”; in line 18, after “ADJOINING” insert “OR OTHERWISE NEIGHBORING”; strike beginning with the comma in line 18 down through “CLAIMED” in line 19; in line 20, strike “300,000” and substitute “250,000”; in line 24, strike “1,000” and substitute “1,250”; in line 27, after “ADJOINING” insert “OR OTHERWISE NEIGHBORING”; and in line 28, strike “, DURING EACH YEAR IN WHICH THE CREDIT IS CLAIMED”.

On page 7, in line 4, after “SERVICES” insert “AS DEFINED IN ARTICLE 83A, § 5-1101 OF THE CODE”; in line 6, after “HEADQUARTERS” insert “AS DEFINED IN ARTICLE 83A, § 5-1101 OF THE CODE”; in line 12, after “PERIOD” insert “BEGINNING ON THE NOTIFICATION DATE”; in line 16, after “PREMISES” insert “AND, IF APPLICABLE, THE”.

(Over)

NEWLY RENOVATED PREMISES ADJOINING OR OTHERWISE NEIGHBORING THE NEW OR EXPANDED PREMISES"; in line 21, strike "ANY"; in line 22, after "LAW" insert "ADOPTED UNDER SUBSECTION (B)(1) OF THIS SECTION"; in line 23, strike "THE BUSINESS ENTITY MAY CLAIM"; in the same line, after the second "CREDIT" insert "MAY BE CLAIMED"; in line 31, after "ADJOINING" insert "OR OTHERWISE NEIGHBORING"; and after line 35, insert:

"(III) THE INCREASE IN ASSESSMENT SHALL BE MEASURED FROM THE NOTIFICATION DATE TO THE APPLICABLE ANNUAL ASSESSMENT DATE AFTER THE COUNTY OR MUNICIPAL CORPORATION HAS CERTIFIED THAT THE BUSINESS ENTITY HAS QUALIFIED FOR THE CREDIT." .

AMENDMENT NO. 5

On page 8, in line 1, strike "CERTIFICATION" and substitute "NOTIFICATION"; in line 2, strike "MEETS THE REQUIREMENTS" and substitute "HAS BEEN CERTIFIED"; in line 4, after "COMPTROLLER" insert "OR, IN THE CASE OF THE INSURANCE PREMIUMS TAX, THE MARYLAND INSURANCE COMMISSIONER,"; in line 5, after "CLAIMED" insert "BY THE BUSINESS ENTITY OR ANY OF ITS AFFILIATES"; in line 9, strike "ASSESSMENT OF THE NEW OR EXPANDED" and substitute "INCREASE IN ASSESSMENT OF THE REAL AND PERSONAL PROPERTY DESCRIBED IN PARAGRAPH (4)(II) OF THIS SUBSECTION"; in line 10, strike "PREMISES"; in line 12, after "(6)" insert "IF"; in the same line, strike "THAT" and substitute "OR ANY OF ITS AFFILIATES"; in line 13, after the first "SUBSECTION" insert "FOR A CERTAIN PREMISES, THEY"; in line 19, after "entity" insert "OR ITS AFFILIATES"; in line 21, strike "(i)" and substitute "(1)"; and in line 22, strike "(ii)" and substitute "(2)".

AMENDMENT NO. 6

On page 10, in line 39, after "1998" insert "for all employees hired and premises obtained after December 31, 1998; provided, however, that if by December 31, 1999, a business entity gives the written notification required under § 9-230(b)(6) of the Tax - Property Article to the appropriate county or municipal corporation, the notification shall be deemed to be timely given with regard to employees hired and premises obtained from December 31, 1998 until the notification date".