

HOUSE BILL 340

Unofficial Copy
Q7
HB 628/98 - W&M

1999 Regular Session
9lr0314

By: **Prince George's County Delegation**

Introduced and read first time: February 5, 1999

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Arts and Entertainment District**
3 **PG 408-99**

4 FOR the purpose of authorizing the governing body of Prince George's County to
5 establish an arts and entertainment district within which certain tax benefits
6 for qualifying residing artists would apply; providing a subtraction modification
7 under the income tax for certain income derived within an arts and
8 entertainment district by a qualifying residing artist; exempting from the sales
9 and use tax certain sales within an arts and entertainment district by qualifying
10 residing artists; defining certain terms; and generally relating to the
11 establishment of an arts and entertainment district in Prince George's County
12 within which certain tax benefits for qualifying residing artists would apply.

13 BY adding to
14 Article 83A - Department of Business and Economic Development
15 Section 4-701 to be under the new subtitle "Subtitle 7. Arts and Entertainment
16 Districts"
17 Annotated Code of Maryland
18 (1998 Replacement Volume)

19 BY adding to
20 Article - Tax - General
21 Section 10-207(t) and 11-227
22 Annotated Code of Maryland
23 (1997 Replacement Volume and 1998 Supplement)

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

1 **Article 83A - Department of Business and Economic Development**

2 SUBTITLE 7. ARTS AND ENTERTAINMENT DISTRICTS.

3 4-701.

4 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.6 (2) (I) "ARTISTIC WORK" MEANS AN ORIGINAL AND CREATIVE WORK,
7 WHETHER WRITTEN, COMPOSED, OR EXECUTED, THAT FALLS INTO ONE OF THE
8 FOLLOWING CATEGORIES:

- 9 1. A BOOK OR OTHER WRITING;
- 10 2. A PLAY OR THE PERFORMANCE OF A PLAY;
- 11 3. A MUSICAL COMPOSITION OR THE PERFORMANCE OF A
12 COMPOSITION;
- 13 4. A PAINTING OR OTHER PICTURE;
- 14 5. A SCULPTURE;
- 15 6. TRADITIONAL AND FINE CRAFTS;
- 16 7. THE CREATION OF A FILM OR THE ACTING WITHIN A FILM;
17 OR
- 18 8. THE CREATION OF A DANCE OR THE PERFORMANCE OF A
19 DANCE.

20 (II) "ARTISTIC WORK" INCLUDES ANY PRODUCT GENERATED AS A
21 RESULT OF ANY OF THE CATEGORIES LISTED UNDER SUBPARAGRAPH (I) OF THIS
22 PARAGRAPH.23 (III) "ARTISTIC WORK" DOES NOT INCLUDE ANY PIECE OR
24 PERFORMANCE CREATED OR EXECUTED FOR INDUSTRY-ORIENTED OR
25 INDUSTRY-RELATED PRODUCTION.26 (3) "ARTS AND ENTERTAINMENT DISTRICT" MEANS AN ARTS AND
27 ENTERTAINMENT DISTRICT ESTABLISHED BY PRINCE GEORGE'S COUNTY UNDER
28 THIS SECTION.

29 (4) "QUALIFYING RESIDING ARTIST" MEANS AN INDIVIDUAL WHO:

30 (I) RESIDES IN AN ARTS AND ENTERTAINMENT DISTRICT AND
31 CONDUCTS A BUSINESS IN THE ARTS AND ENTERTAINMENT DISTRICT; AND32 (II) DERIVES INCOME FROM THE SALE OR PERFORMANCE WITHIN
33 THE ARTS AND ENTERTAINMENT DISTRICT OF AN ARTISTIC WORK THAT THE

1 INDIVIDUAL WROTE, COMPOSED, OR EXECUTED, EITHER SOLELY OR JOINTLY WITH
2 ANOTHER INDIVIDUAL.

3 (B) SUBJECT TO THE REQUIREMENTS OF THIS SECTION, THE GOVERNING
4 BODY OF PRINCE GEORGE'S COUNTY MAY ESTABLISH AN ARTS AND ENTERTAINMENT
5 DISTRICT IN THE COUNTY IN WHICH QUALIFYING RESIDING ARTISTS ARE ELIGIBLE
6 FOR THE INCOME TAX SUBTRACTION MODIFICATION UNDER § 10-207(T) OF THE TAX -
7 GENERAL ARTICLE AND IN WHICH THE SALES AND USE TAX EXEMPTION UNDER §
8 11-227 OF THE TAX - GENERAL ARTICLE APPLIES.

9 (C) AN ARTS AND ENTERTAINMENT DISTRICT SHALL BE A CONTIGUOUS
10 GEOGRAPHIC AREA OF THE COUNTY THAT IS WHOLLY WITHIN A PRIORITY FUNDING
11 AREA AS PROVIDED UNDER § 5-7B-02 OF THE STATE FINANCE AND PROCUREMENT
12 ARTICLE.

13 (D) (1) PRINCE GEORGE'S COUNTY SHALL GIVE THE COMPTROLLER NOTICE
14 OF THE ESTABLISHMENT OF AN ARTS AN ENTERTAINMENT DISTRICT ON OR BEFORE
15 JULY 1 PRIOR TO ITS EFFECTIVE DATE.

16 (2) THE SUBTRACTION MODIFICATION UNDER § 10-207(T) OF THE TAX -
17 GENERAL ARTICLE SHALL BE APPLICABLE TO ALL TAXABLE YEARS BEGINNING
18 AFTER DECEMBER 31 OF THE YEAR IN WHICH THE NOTICE UNDER PARAGRAPH (1) OF
19 THIS SUBSECTION IS PROVIDED.

20 (3) THE SALES AND USE TAX EXEMPTION UNDER § 11-227 OF THE TAX -
21 GENERAL ARTICLE SHALL TAKE EFFECT THE FIRST JANUARY 1 AFTER THE NOTICE
22 UNDER PARAGRAPH (1) OF THIS SUBSECTION IS PROVIDED.

23 **Article - Tax - General**

24 10-207.

25 (T) (1) IN THIS SUBSECTION, "ARTISTIC WORK", "ARTS AND
26 ENTERTAINMENT DISTRICT", AND "QUALIFYING RESIDING ARTIST" HAVE THE
27 MEANINGS STATED IN ARTICLE 83A, § 4-701 OF THE CODE.

28 (2) THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION
29 INCLUDES THE AMOUNT OF INCOME DERIVED WITHIN AN ARTS AND
30 ENTERTAINMENT DISTRICT BY A QUALIFYING RESIDING ARTIST FROM THE
31 PUBLICATION, PRODUCTION, OR SALE OF AN ARTISTIC WORK THAT THE ARTIST
32 WROTE, COMPOSED, OR EXECUTED.

33 (3) FOR PURPOSES OF DETERMINING WHETHER INCOME IS DERIVED
34 WITHIN AN ARTS AND ENTERTAINMENT DISTRICT FOR PURPOSES OF THIS
35 SUBSECTION, A QUALIFYING RESIDING ARTIST SHALL ALLOCATE RECEIPTS AND
36 EXPENSES AS THE COMPTROLLER MAY REQUIRE.

1 11-227.

2 (A) IN THIS SECTION, "ARTISTIC WORK", "ARTS AND ENTERTAINMENT
3 DISTRICT", AND "QUALIFYING RESIDING ARTIST" HAVE THE MEANINGS STATED IN
4 ARTICLE 83A, § 4-701 OF THE CODE.

5 (B) THE SALES AND USE TAX DOES NOT APPLY TO THE SALE OF AN ARTISTIC
6 WORK WITHIN AN ARTS AND ENTERTAINMENT DISTRICT IF THE SALE IS MADE BY A
7 QUALIFYING RESIDING ARTIST WHOSE PRINCIPAL PLACE OF BUSINESS IS LOCATED
8 IN THE ARTS AND ENTERTAINMENT DISTRICT.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 1999.