

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL NO. 701

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike “certain corporations engaged in” and substitute “a”; in line 7, after “manufacturing” insert “corporation”; and in the same line, after “facts”, strike “as part of their income tax returns” and substitute “in filing its income tax return; requiring certain corporations engaged in manufacturing to submit certain reports as a part of their income tax returns for certain taxable years; requiring the Comptroller to prepare and submit a certain report in certain years to the Governor and the General Assembly; requiring the Comptroller, in consultation with the Department of Business and Economic Development, to adopt certain regulations”.

AMENDMENT NO. 2

On page 2, after line 38, insert:

“(IV) IF THE COMPTROLLER DETERMINES THAT A CORPORATION HAS SUBMITTED INFORMATION THAT INCORRECTLY CLASSIFIES THE CORPORATION AS A MANUFACTURING CORPORATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMPTROLLER SHALL RECLASSIFY THE CORPORATION IN AN APPROPRIATE MANNER.

“(V) THE COMPTROLLER, IN CONSULTATION WITH THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT, SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBSECTION.

“(VI) AS PART OF ITS TAX RETURN FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2000 BUT BEFORE JANUARY 1, 2003, EACH MANUFACTURING CORPORATION THAT HAS MORE THAN 25 EMPLOYEES AND APPORTIONS ITS INCOME UNDER THIS PARAGRAPH SHALL SUBMIT A REPORT, IN THE FORM THAT THE COMPTROLLER REQUIRES BY REGULATION, THAT DESCRIBES

(Over)

FOR EACH TAXABLE YEAR AS OF THE LAST DAY OF THE TAXABLE YEAR THE FOLLOWING:

1. THE DIFFERENCE IN TAX OWED AS A RESULT OF USING SINGLE SALES FACTOR APPORTIONMENT METHOD UNDER THIS PARAGRAPH AS COMPARED TO THE TAX OWED USING THE 3-FACTOR DOUBLE WEIGHTED SALES FACTOR APPORTIONMENT METHOD IN EFFECT FOR THE LAST TAXABLE YEAR BEGINNING ON OR BEFORE DECEMBER 31, 2000;

2. VOLUME OF SALES IN THE STATE AND WORLDWIDE;

3. TAXABLE INCOME IN THE STATE AND WORLDWIDE;

AND

4. BOOK VALUE OF PLANT, LAND, AND EQUIPMENT IN THE STATE AND WORLDWIDE.

(VII) ON OR BEFORE OCTOBER 1, 2003 AND OCTOBER 1, 2004, AND NOTWITHSTANDING ANY CONFIDENTIALITY REQUIREMENTS, THE COMPTROLLER SHALL PREPARE AND SUBMIT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY, A COMPREHENSIVE REPORT ON THE USE OF SINGLE SALES FACTOR APPORTIONMENT BY MANUFACTURING CORPORATIONS THAT PROVIDES, AT A MINIMUM:

1. THE NUMBER OF CORPORATIONS FILING TAX RETURNS FOR THE TAXABLE YEAR THAT ENDED DURING THE PRECEDING CALENDAR YEAR THAT USE SINGLE SALES FACTOR APPORTIONMENT AND THE NUMBER OF SUCH CORPORATIONS HAVING A MARYLAND INCOME TAX LIABILITY FOR THAT TAXABLE YEAR;

2. THE NUMBER OF CORPORATIONS PAYING LESS IN MARYLAND INCOME TAX FOR THAT TAXABLE YEAR AS A RESULT OF USING SINGLE SALES FACTOR APPORTIONMENT AND THE AGGREGATE AMOUNT OF MARYLAND INCOME TAX SAVINGS FOR ALL SUCH CORPORATIONS FOR THAT TAXABLE YEAR AS

A RESULT OF USING SINGLE SALES FACTOR APPORTIONMENT; AND

3. THE NUMBER OF CORPORATIONS PAYING MORE IN MARYLAND INCOME TAX FOR THE TAXABLE YEAR AS A RESULT OF USING SINGLE SALES FACTOR APPORTIONMENT AND THE AGGREGATE AMOUNT OF ADDITIONAL MARYLAND INCOME TAX OWED BY THOSE CORPORATIONS FOR THE TAXABLE YEAR AS A RESULT OF USING SINGLE SALES FACTOR APPORTIONMENT.”.