

HB0005/515361/2

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 5
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, in line 15, after “applies;” insert “repealing a prohibition against certain advertisements or statements by vendors regarding the payment of the sales and use tax; authorizing vendors to assume or absorb all or any part of the sales and use tax imposed on a retail sale or use and to pay that sales and use tax on behalf of the buyer;”.

On page 2, in line 4, after “activities” insert a semicolon; strike beginning with “altering” in line 7 down through “corporations;” in line 8; in line 15, strike “an” and substitute “certain”; in the same line, strike “provision” and substitute “provisions”; in line 18, after “time;” insert “requiring the Comptroller to adopt regulations to exempt from a certain rate increase certain sales related to contracts entered into prior to a certain date; providing for the application of the tobacco tax to certain cigarettes;”; in line 25, strike “2-1104, 2-1302.2, 2-1303;”; in line 26, after “11-301,” insert “11-302, 11-402, 11-601(b)(1);”; in line 29, strike “with” and substitute “without”; and in line 36, after “Section” insert “3-215 and”.

On page 3, in line 13, strike “and 8-205”; in line 18, after “Section” insert “8-205 and”; and in line 26, after “adding” insert “to”.

On page 4, strike in their entirety lines 11 through 15, inclusive; and in line 18, strike “12-118(b) and”.

AMENDMENT NO. 2

On page 7, after line 14, insert:

“11-302.”

(Over)

For each retail sale or sale for use other than a sale under § 11-405 or § 11-406 of this title, the sales and use tax shall be:

- (1) stated [and charged] separately from the sale price; and
- (2) shown separately from the sale price on any record of a sale:
 - (i) at the time of the sale;
 - (ii) when the vendor issues evidence of the sale; or
 - (iii) when the vendor uses evidence of the sale.

11-402.

[A] SUBJECT TO § 11-302 OF THIS TITLE, A vendor may [not directly or indirectly advertise, state, or otherwise hold out that any part of the sales and use tax:

- (1) will be assumed or absorbed by the vendor;
- (2) will not be added to the taxable price of tangible personal property or a taxable service; or
- (3) will be refunded if added to the taxable price of tangible personal property or a taxable service];

(1) ASSUME OR ABSORB ALL OR ANY PART OF THE SALES AND USE TAX IMPOSED ON A RETAIL SALE OR USE; AND

(2) PAY THAT SALES AND USE TAX ON BEHALF OF THE BUYER.

11-601.

(b) (1) A vendor who makes a sale subject to the sales and use tax shall pay the sales and use tax that the vendor collects for that sale **OR THAT THE VENDOR ASSUMES OR ABSORBS FOR THAT SALE** with the return that covers the period in which the vendor makes that sale.”.

AMENDMENT NO. 3

On page 13, in line 6, strike “\$2.0”.

On page 15, in line 14, strike “2-1302.2” and substitute “2-1302.1”.

AMENDMENT NO. 4

On page 16, after line 1, insert:

“[7-313.

(a) In this section, “Fund” means the Maryland Emergency Medical Service System Fund.

(b) For fiscal year 1988, \$31,000,000 derived from the increase in revenues under Chapter 291 of the Acts of 1987 and allocated for the use of the Department of Transportation shall be transferred to this Fund from the Transportation Trust Fund.

(c) The Fund is a continuing, nonlapsing fund which is not subject to § 7-302 of this subtitle.

(d) Expenditures under this section shall be made pursuant to an appropriation approved by the General Assembly in the annual State budget or by the budget amendment procedure provided for in § 7-209 of this title, provided that any

(Over)

budget amendment shall be submitted to and approved by the Legislative Policy Committee prior to the expenditure or obligation of funds.

(e) The moneys distributed to this Fund may be used only for the procurement of new helicopters and auxiliary helicopter equipment, ground support equipment, and other capital equipment related to the helicopters and for equipment and related improvements to the Emergency Medical Services' Communication System.l”.