

Department of Legislative Services
 Maryland General Assembly
 2020 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

Senate Bill 448

(Senator Guzzone, *et al.*)

Budget and Taxation

Ways and Means

Sales and Use Tax - Vendor Collection Credit - Job Training

This bill authorizes a qualified job training organization to claim a sales tax vendor collection credit in an amount equal to 100% of the gross amount of the sales and use taxes that are collected by the vendor. A vendor may not claim more than \$250,000 in credits in any calendar year. A vendor must file a timely sales and use tax return to qualify for the vendor credit. A vendor who claims the vendor credit under the bill, may not claim another vendor credit. **The bill takes effect July 1, 2020.**

Fiscal Summary

State Effect: General fund revenues decrease by at least \$250,000 beginning in FY 2021. General fund expenditures increase by \$25,000 in FY 2021.

(in dollars)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
GF Revenue	(\$250,000)	(\$250,000)	(\$250,000)	(\$250,000)	(\$250,000)
GF Expenditure	\$25,000	\$0	\$0	\$0	\$0
Net Effect	(\$275,000)	(\$250,000)	(\$250,000)	(\$250,000)	(\$250,000)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: A vendor may apply to the Secretary of Labor to be certified as a qualified job training organization. Within 30 days of receiving an application, the Secretary must make a determination on whether the vendor is a qualified job training organization. A

vendor who claims the sales tax vendor collection credit must submit a report to the Secretary by January 31 that includes, for the previous year, (1) the amount of credits claimed; (2) the amount spent by the vendor on job training and employment services; and (3) the number of individuals receiving job training and employment services.

A qualified job training organization is defined as an organization that (1) is located in the State; (2) is tax exempt under Internal Revenue Code 501(c)(3); (3) conducts retail sales of donated items; and (4) provides job training and employment services to individuals with workplace disadvantages or disabilities. In addition, the organization must use a majority of its revenue for job training and job placement programs (1) that assist individuals with growth in employment hours; (2) for individuals with low income, workplace disadvantages, disabilities, or barriers to employment; or (3) for veterans.

The Comptroller must adopt regulations to implement this vendor credit.

Current Law: In order to cover expenses for collecting the State sales tax, persons filing timely returns are allowed to take a vendor credit against the gross tax remitted in an amount equal to 1.2% of the first \$6,000 collected and 0.9% of the excess, capped at \$500 per filing period (monthly basis).

Background: The sales and use tax is the State's second largest source of general fund revenue, accounting for approximately \$5.0 billion in fiscal 2020 and 2021, according to the December 2019 revenue forecast. **Exhibit 1** shows the sales and use tax rates in surrounding states and the District of Columbia.

The Comptroller's Office reports that the sales tax vendor credit reduced general fund revenues by \$19.6 million in fiscal 2019.

Exhibit 1
Sales and Use Tax Rates in Maryland and Surrounding States

Delaware	0.0%
District of Columbia	6.0%; 10.0% for liquor sold for on-the-premises consumption and restaurant meals; 10.25% for alcoholic beverages for consumption off the premises, tickets to specified sporting events, and specified rental vehicles; and 8.0% for specified soft drinks
Maryland	6.0% 9.0% for alcoholic beverages
Pennsylvania	6.0% plus 1.0% or 2.0% in certain local jurisdictions
Virginia*	5.3%; 2.5% for eligible food items; 2.5% for specified essential personal hygiene items; both rates include 1.0% for local jurisdictions
West Virginia	6.0% plus 0.5% (in one municipality) or 1.0% (in 45 municipalities)

*An additional state tax of 0.7% is imposed in localities in Northern Virginia and the Hampton Roads region, and an additional 1.7% is imposed in localities in the Historic Triangle.

State Revenues: General fund revenues decrease beginning in fiscal 2021. The amount of the revenue decrease depends on (1) the number of qualified job training organizations certified by the Maryland Department of Labor (MDOL); (2) the amount of taxable sales made by these organizations; and (3) the amount of sales and use taxes collected by each organization.

The Comptroller's Office reports that one nonprofit organization may be eligible for the new vendor credit under the bill. Based on sales reported by that organization for fiscal 2018, it is estimated that the organization remitted approximately \$1.9 million in sales and use taxes. Assuming a 3% annual increase in sales and the amount of the current vendor credit that is provided, it is estimated that the organization will remit approximately \$2.1 million in sales and use taxes in fiscal 2021 and \$2.3 million in fiscal 2025. The bill caps the amount of the vendor credit at \$250,000 for each calendar year, beginning in fiscal 2021. To the extent the organization qualifies and is certified for the new vendor credit, general fund revenues will decrease by \$250,000 annually beginning in fiscal 2021.

To the extent that other job training organizations become certified to receive the new vendor credit, general fund revenues will decrease accordingly.

State Expenditures: MDOL currently administers several federal income tax credit programs, including the work opportunity tax credit. Since federal funds are used to administer these tax credit programs, the department anticipates the need to hire one permanent tax credit processor at a cost of \$41,700 in fiscal 2021 to administer the new State program. This estimate includes salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

However, as it is unknown how many job training organizations will apply for the new vendor credit, the Department of Legislative Services advises that administering the new program could likely be handled with MDOL's existing budgeted resources, at least initially. To the extent that additional personnel become necessary in the future, the department can request additional resources during the annual budget process.

The Comptroller's Office will incur a one-time computer programming cost of \$25,000 in fiscal 2021 to add a check box to the sales and use tax return form to indicate the new vendor credit.

Additional Information

Prior Introductions: SB 668 of 2019 received a hearing in the Senate Budget and Taxation Committee, but no further action was taken.

Cross File: HB 594 (Delegate P. Young, *et al.*) - Ways and Means.

Information Source(s): Comptroller's Office; Maryland Department of Labor; Maryland Department of Transportation; Department of Legislative Services

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