

SB0979/843525/1

BY: Budget and Taxation Committee

SUBSTITUTE AMENDMENTS TO SENATE BILL 979
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “**Tax**” insert “–”; in line 3, after “**Comptroller**” insert “**and Alterations**”; in line 10, after “Comptroller,” insert “altering the rate of interest on unpaid hotel rental tax in Garrett County; altering the amount of time that a hotel has to pay the hotel rental tax in Talbot County before incurring a penalty; altering the maximum sales or use tax rate that Howard County is authorized to impose on certain room rentals in the County;”; and in line 12, after “Comptroller” insert “and hotel rental taxes in certain counties”.

On page 2, in line 3, after “(o)” insert “and 13–302”; and in line 8, strike “and 13–302” and substitute “13–508, and 13–509”.

AMENDMENT NO. 2

On page 5, in line 26, strike “**TITLE**” and substitute “**TITLES 1, 2, AND**”.

On page 6, in line 4, strike the first “**TITLE**” and substitute “**TITLES 1, 2, AND**”.

On page 7, strike beginning with “**NOTIFY**” in line 11 down through “**EFFECT**” in line 12 and substitute “**:**”

(1) MODIFY THE RATE EFFECTIVE ON JULY 1 OF THE YEAR THAT THE COUNTY DESIGNATES; AND

(2) NOTIFY THE COMPTROLLER IN WRITING OF THE RATE CHANGE ON OR BEFORE JANUARY 1 PRECEDING THE EFFECTIVE DATE OF THE RATE CHANGE”.

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On page 11, in line 23, after “COUNTY” insert “, BEFORE THE LAST DAY OF THE NEXT MONTH,”; in line 24, after “COLLECTED” insert “ON BEHALF OF EACH COUNTY”; and in line 25, after “INTERMEDIARY” insert “DURING THE PRECEDING MONTH”.

On page 12, in line 3, after “under” insert “SUBSECTION (A)(1) OF”; strike in their entirety lines 4 and 5; in line 6, strike the brackets; in the same line, strike “(3)”; after line 7, insert:

“(C) TO DEFRAY THE COST OF COLLECTING AND DISTRIBUTING THE HOTEL RENTAL TAX UNDER THIS PART, THE COMPTROLLER MAY DISTRIBUTE TO AN ADMINISTRATIVE COST ACCOUNT AN AMOUNT NOT TO EXCEED 1.5% OF THE HOTEL RENTAL TAX REVENUE COLLECTED EACH MONTH ON BEHALF OF A COUNTY FROM AN ACCOMMODATIONS INTERMEDIARY.”;

and in line 24, after the second “County,” insert “GARRETT COUNTY,”.

On page 12 in line 28, and on page 13 in line 5, in each instance, strike “Talbot County or”.

On page 17, strike beginning with “NOTIFY” in line 2 down through “EFFECT” in line 3 and substitute “:

(1) MODIFY THE RATE EFFECTIVE ON JULY 1 OF THE YEAR THAT THE MUNICIPALITY DESIGNATES; AND

(2) NOTIFY THE COMPTROLLER IN WRITING OF THE RATE CHANGE ON OR BEFORE JANUARY 1 PRECEDING THE EFFECTIVE DATE OF THE RATE CHANGE”;

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in line 10, after “SHALL” insert “:

(1)”;

in line 12, after “SUBTITLE” insert “;AND

(2) DISTRIBUTE TO A MUNICIPALITY, BEFORE THE LAST DAY OF THE NEXT MONTH, THE HOTEL TAX REVENUE THAT IS COLLECTED ON BEHALF OF THE MUNICIPALITY FROM AN ACCOMMODATIONS INTERMEDIARY DURING THE PRECEDING MONTH.

(C) TO DEFRAY THE COST OF COLLECTING AND DISTRIBUTING THE HOTEL RENTAL TAX UNDER THIS PART, THE COMPTROLLER MAY DISTRIBUTE TO AN ADMINISTRATIVE COST ACCOUNT AN AMOUNT NOT TO EXCEED 1.5% OF THE HOTEL RENTAL TAX REVENUE COLLECTED EACH MONTH ON BEHALF OF A MUNICIPALITY FROM AN ACCOMMODATIONS INTERMEDIARY.”;

in line 13, strike “(C)” and “(D)”, respectively, and substitute “(D)” and “(E)”, respectively; and in lines 20 and 24, strike “(D)” and “(E)”, respectively, and substitute “(E)” and “(F)”, respectively.

On page 18, in line 1, strike “(F)” and substitute “(G)”.

On page 19, in line 20, after “DISTRIBUTE” insert “BEFORE THE LAST DAY OF THE NEXT MONTH”; in the same line, after “REVENUE” insert “COLLECTED FROM ACCOMMODATIONS INTERMEDIARIES DURING THE PRECEDING MONTH”; and after line 21, insert:

(Over)

“(8) TO DEFRAID THE COST OF COLLECTING AND DISTRIBUTING THE HOTEL TAX UNDER THIS SECTION, THE COMPTROLLER MAY DISTRIBUTE TO AN ADMINISTRATIVE COST ACCOUNT AN AMOUNT NOT TO EXCEED 1.5% OF THE HOTEL TAX REVENUE COLLECTED EACH MONTH ON BEHALF OF ANNE ARUNDEL COUNTY FROM AN ACCOMMODATIONS INTERMEDIARY.”

On page 24, after line 23, insert:

“(3) § 21-2 OF THE BALTIMORE CITY CODE;

(4) § 11-4-402 OF THE BALTIMORE COUNTY CODE;”;

in line 24, strike “(3)” and substitute “(5)”; in the same line, strike “AND” and substitute:

“(6) § 52-16 OF THE MONTGOMERY COUNTY CODE; AND”;

and in line 25, strike “(4)” and substitute “(7)”.

On page 25, in line 22, after “(E)” insert “(1)”; and after line 26, insert:

“(2) THE COMPTROLLER SHALL REQUIRE AN ACCOMMODATIONS INTERMEDIARY THAT FILES A CONSOLIDATED RETURN UNDER THIS SUBSECTION TO PROVIDE HOTEL RENTAL TAX DATA THE COMPTROLLER DEEMS NECESSARY TO ENSURE THE TAX IS CREDITED AND DISTRIBUTED TO THE APPROPRIATE JURISDICTION.”

AMENDMENT NO. 3

On page 27, in line 4, strike the brackets; and in the same line, strike beginning with “EXCEPT” through “TO”.

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On pages 27 and 28, strike in their entirety the lines beginning with line 24 on page 27 through line 24 on page 28, inclusive, and substitute:

“13–508.

(a) Within 30 days after the date on which a notice of assessment of the admissions and amusement tax, alcoholic beverage tax, boxing and wrestling tax, HOTEL RENTAL TAX, income tax, motor carrier tax, motor fuel tax, public service company franchise tax, financial institution franchise tax, sales and use tax, or tobacco tax is mailed, a person or governmental unit against which the assessment is made may submit to the tax collector:

(1) an application for revision of the assessment; or

(2) except for the public service company franchise tax, if the assessment is paid, a claim for refund.

(b) If a person or governmental unit fails to submit an application for revision or claim for refund within the time allowed in subsection (a) of this section, the assessment becomes final.

(c) The Comptroller or an employee of the Comptroller’s office expressly designated by the Comptroller promptly:

(1) (i) shall hold an informal hearing on a person’s or governmental unit’s admissions and amusement tax, alcoholic beverage tax, boxing and wrestling tax, HOTEL RENTAL TAX, income tax, motor carrier tax, motor fuel tax, sales and use tax, or tobacco tax application for revision or claim for refund under subsection (a) of this section; and

(ii) after the hearing:

(Over)

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1. shall act on the application for revision; and
2. may assess any additional tax, penalty, and interest
due; and

(2) shall mail to the person or governmental unit a notice of final determination.

(d) The Department promptly:

(1) (i) shall act on a person's public service company franchise tax or financial institution franchise tax application for revision under subsection (a) of this section; or

(ii) 1. shall hold an informal hearing after giving reasonable notice to the person; and

2. after the hearing:

A. shall act on the application for revision; and

B. may assess any additional tax, penalty, and interest
due; and

(2) shall mail to the person a notice of final determination.

13-509.

(a) Notwithstanding a person's failure to file a timely application for revision or claim for refund of an assessment of the admissions and amusement tax, alcoholic beverage tax, boxing and wrestling tax, HOTEL RENTAL TAX, income tax, motor carrier

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tax, motor fuel tax, sales and use tax, or tobacco tax under § 13–508(a) of this subtitle, the Comptroller or the Comptroller’s designee may issue an order decreasing or abating an assessment to correct an erroneous assessment.

(b) If action is taken under subsection (a) of this section, the order shall state clearly the reasons for decreasing or abating the assessment.

(c) Any order issued by the Comptroller under subsection (a) of this section shall be final and not subject to appeal.

(d) The Comptroller’s refusal to enter an order under subsection (a) of this section shall be final and not subject to appeal.”.

On page 28, in line 29, strike “seven” and substitute “**EIGHT**”.

On page 29, in line 2, after “percent” insert “**BUT NOT GREATER THAN SEVEN PERCENT**”; and after line 6, insert:

“(3) SUBJECT TO THE ANNUAL COUNTY BUDGET AND APPROPRIATION PROCESS, THE COUNTY SHALL DISTRIBUTE ANY REVENUE ATTRIBUTABLE TO A TAX RATE GREATER THAN SEVEN PERCENT IMPOSED BY THE COUNTY UNDER THIS SUBSECTION TO THE HOWARD COUNTY TOURISM COUNCIL.”.

On page 30, in line 19, after “SHALL” insert “**:**

(1)”;

in the same line, strike “COLLECT” and substitute “**COLLECT**”; and in line 22, after the second “ARTICLE” insert “**;** AND

(Over)

(II) DISTRIBUTE TO THE COUNTY BY THE LAST DAY OF THE NEXT MONTH THE ROOM RENTAL TAX REVENUE COLLECTED FROM ACCOMMODATIONS INTERMEDIARIES DURING THE PRECEDING MONTH.

(4) TO DEFRAY THE COST OF COLLECTING AND DISTRIBUTING THE ROOM RENTAL TAX UNDER THIS SECTION, THE COMPTROLLER MAY DISTRIBUTE TO AN ADMINISTRATIVE COST ACCOUNT AN AMOUNT NOT TO EXCEED 1.5% OF THE ROOM RENTAL TAX REVENUE COLLECTED EACH MONTH ON BEHALF OF THE COUNTY FROM AN ACCOMMODATIONS INTERMEDIARY.

On page 31, in line 16, after “DISTRIBUTE” insert “**BEFORE THE LAST DAY OF THE NEXT MONTH**”; in line 18, after the first “CORPORATION” insert “**DURING THE PRECEDING MONTH**”; in line 19, strike “COUNTY” and substitute “**COUNTY**”; after line 19, insert:

“(E) TO DEFRAY THE COST OF COLLECTING AND DISTRIBUTING THE TAX AUTHORIZED UNDER THIS SECTION, THE COMPTROLLER MAY DISTRIBUTE TO AN ADMINISTRATIVE COST ACCOUNT AN AMOUNT NOT TO EXCEED 1.5% OF THE TAX REVENUE COLLECTED EACH MONTH ON BEHALF OF THE COUNTY FROM AN ACCOMMODATIONS INTERMEDIARY.”;

and in line 21, strike “2026” and substitute “**2027**”.