

HOUSE BILL 793

L6
HB 737/20 – APP

11r2294
CF 11r2760

By: **Delegate Anderton**

Introduced and read first time: January 29, 2021

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Local Governments – Income Tax Disparity Grants – Amounts**

3 FOR the purpose of altering the calculation of certain income tax disparity grants to
4 counties and Baltimore City under certain circumstances and for certain fiscal years;
5 repealing a certain termination provision; and generally relating to income tax
6 disparity grants to counties and Baltimore City.

7 BY repealing and reenacting, with amendments,
8 Article – Local Government
9 Section 16–501
10 Annotated Code of Maryland
11 (2013 Volume and 2020 Supplement)

12 BY repealing and reenacting, with amendments,
13 Chapter 738 of the Acts of the General Assembly of 2016, as amended by Chapter
14 472 of the Acts of the General Assembly of 2018
15 Section 2

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

18 **Article – Local Government**

19 16–501.

20 (a) Subject to subsection (e) of this section, for each fiscal year, the Comptroller
21 shall pay to an eligible county a grant in the amount determined under subsection (c)(3) of
22 this section.

23 (b) A county may not receive a grant under subsection (a) of this section if the
24 county's income tax rate was less than 2.6%:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) for the taxable year that ended in the second prior fiscal year; or

2 (2) for any subsequent taxable year through the taxable year that ends in
3 the current fiscal year.

4 (c) (1) For each fiscal year, the Comptroller shall determine for each county:

5 (i) the county income tax collected from individuals for the taxable
6 year that ended in the second prior fiscal year, based on tax returns filed through November
7 1 of the year following the applicable taxable year; and

8 (ii) the amount of county income tax that the county would have
9 received if the county income tax rate was 2.54%.

10 (2) For each fiscal year, the Comptroller shall determine as rounded to the
11 nearest cent:

12 (i) the per capita yield of the county income tax for each county,
13 based on:

14 1. the population of the county as last projected by the
15 Maryland Department of Health for July 1 of the applicable taxable year or the latest
16 decennial census for the applicable taxable year; and

17 2. the amount specified in paragraph (1)(ii) of this
18 subsection; and

19 (ii) the per capita statewide yield of the county income tax, based on:

20 1. the State population as last projected by the Maryland
21 Department of Health for July 1 of the applicable taxable year or the latest decennial
22 census for the applicable taxable year; and

23 2. the amount of county income tax specified in paragraph
24 (1)(ii) of this subsection for all counties.

25 (3) If the per capita yield of the county income tax for a county determined
26 under paragraph (2)(i) of this subsection is less than 75% of the per capita statewide yield
27 of the county income tax determined under paragraph (2)(ii) of this subsection, the
28 Comptroller shall determine the amount that would increase the county per capita yield to
29 equal 75% of the statewide per capita yield, as rounded to the nearest dollar.

30 (d) The Comptroller shall pay to an eligible county the amount determined under
31 subsection (c)(3) of this section in quarterly payments during each fiscal year.

32 (e) (1) Except as provided in paragraph (2) of this subsection, for fiscal year

1 2011 and each subsequent fiscal year, the distribution provided to any county or Baltimore
2 City under this section may not exceed the amount distributed to the county or Baltimore
3 City for fiscal year 2010.

4 (2) (i) If a county or Baltimore City has a county income tax rate of at
5 least 2.8% but less than 3%, the county or Baltimore City may receive a minimum of 20%
6 of the amount determined under subsection (c)(3) of this section.

7 (ii) If a county or Baltimore City has a county income tax rate of at
8 least 3% but less than 3.2%, the county or Baltimore City may receive a minimum of 40%
9 of the amount determined under subsection (c)(3) of this section.

10 (iii) If a county or Baltimore City has a county income tax rate of at
11 least 3.2%:

12 1. on or before June 30, 2017, the county or Baltimore City
13 may receive a minimum of 60% of the amount determined under subsection (c)(3) of this
14 section;

15 2. in fiscal year 2018, the county or Baltimore City may
16 receive a minimum of 63.75% of the amount determined under subsection (c)(3) of this
17 section; [and]

18 3. in fiscal years 2019, 2020, and 2021, the county or
19 Baltimore City may receive a minimum of 67.5% of the amount determined under
20 subsection (c)(3) of this section; AND

21 4. IN FISCAL YEAR 2022, AND EACH FISCAL YEAR
22 THEREAFTER, THE COUNTY OR BALTIMORE CITY MAY RECEIVE A MINIMUM OF 80%
23 OF THE AMOUNT DETERMINED UNDER SUBSECTION (C)(3) OF THIS SECTION.

24 **Chapter 738 of the Acts of 2016, as amended by Chapter 472 of the Acts of 2018**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
26 1, 2016. [It shall remain effective for a period 5 years and, at the end of June 30, 2021, with
27 no further action required by the General Assembly, this Act shall be abrogated and of no
28 further force and effect.]

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
30 1, 2021.