SENATE BILL 631

 $\begin{array}{c} \mathrm{3lr}1918 \\ \mathrm{CF}\,\mathrm{HB}\,815 \end{array}$

By: Senators King, DeGrange, Forehand, Garagiola, Klausmeier, Manno, Miller, and Peters

Introduced and read first time: February 1, 2013

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2013

CHAPTER _____

1 AN ACT concerning

2 Hotel Rental Tax – Exemption – Lodging at a Corporate Training Center

- FOR the purpose of providing an exemption for certain counties from certain hotel rental taxes and transient occupancy taxes imposed by certain counties for the sale of a right to occupy a room or lodgings as a transient guest at certain facilities or campuses; authorizing certain taxpayers to claim certain refunds; providing for the application of this Act; and generally relating to providing a certain exemption under certain county hotel rental and transient occupancy
- 9 taxes.
- 10 BY adding to
- 11 Article 24 Political Subdivisions Miscellaneous Provisions
- 12 Section 9-306 and 9-602(f)
- 13 Annotated Code of Maryland
- 14 (2011 Replacement Volume and 2012 Supplement)
- 15 BY repealing and reenacting, with amendments.
- 16 Article Local Government
- 17 <u>Section 20–404</u>
- 18 Annotated Code of Maryland
- 19 (As enacted by Chapter (H.B. 472) of the Acts of the General Assembly of
- 20 <u>2013</u>)

21 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1	<u>Article – Local Government</u>
2	<u>Section 20–603(e)</u>
3	Annotated Code of Maryland
4	(As enacted by Chapter (H.B. 472) of the Acts of the General Assembly of
5	<u>2013)</u>
6	BY adding to
7	The Charter of Baltimore City
8	Article II – General Powers
9	Section (40)(f)
10	(2007 Replacement Volume, as amended)
11	BY adding to
12	The Public Local Laws of Baltimore County
13	Section 11–1–102(e)
14	Article 3 – Public Local Laws of Maryland
15	(2003 Edition and October 2012 Supplement, as amended)
16	BY adding to
17	The Public Local Laws of Howard County
18	Section 20.400(d)
19	Article 14 – Public Local Laws of Maryland
20	(1977 Edition and August 2008 Supplement, as amended)
21	BY adding to
22	The Public Local Laws of Montgomery County
23	Section $52-17(e)$
24	Article 16 – Public Local Laws of Maryland
25	(2004 Edition and December 2012 Supplement, as amended)
26	BY adding to
27	The Public Local Laws of Prince George's County
28	Section 10–218.01(c)
29	Article 17 – Public Local Laws of Maryland
30	(2007 Edition and 2010 Supplement, as amended)
31	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
32	MARYLAND, That the Laws of Maryland read as follows:
33	Article 24 - Political Subdivisions - Miscellaneous Provisions
34	9-306.
35	Article – Local Government
36	<u>20–404.</u>

1 2 3		HOTEL RENTAL TAX DOES NOT APPLY TO THE SALE OF A RIGHT OM OR LODGINGS AS A TRANSIENT GUEST AT A DORMITORY OR FACILITY THAT:
4 5 6	(1) HEADQUARTERS,	HS IS OPERATED SOLELY IN SUPPORT OF THE A TRAINING FACILITY, A CONFERENCE FACILITY, AN AWARDS E CAMPUS OF A CORPORATION OR OTHER ORGANIZATION;
7 8 9	,	PROVIDES PROVIDES LODGING SOLELY FOR EMPLOYEES, VENDORS, AND OTHER INVITEES OF THE CORPORATION THAT ITORY OR LODGING FACILITY; AND
10 11	(3) PUBLIC.	Does <u>Does</u> not offer lodging services to the general
12	9-602.	
13 14	[(a)] (B) a tax exemption for	By resolution, Calvert County and St. Mary's County may provide or classes of hotels.
15 16	[(b)] (C) with 10 or fewer sl	In Carroll County, the hotel rental tax does not apply to a hotel leeping rooms.
17 18	[(c)] (D) charge paid to a ho	Cecil County may impose the hotel rental tax only on a transient otel located in any part of Cecil County that:
19 20	<u>(1)</u> <u>center;</u>	is specified by the governing body of Cecil County as a population
21	<u>(2)</u>	is not larger than 10 square miles in geographic area; and
22	<u>(3)</u>	has a population of at least 6,000 residents.
23 24	<u>[(d)] (E)</u> with:	In Frederick County, the hotel rental tax does not apply to a hotel
25	<u>(1)</u>	10 or fewer sleeping rooms in its main building; and
26 27	on the hotel's prop	not more than 20 additional sleeping rooms in auxiliary structures erty.
28 29	[(e)] (F) transient charge p	<u>In Washington County, the hotel rental tax does not apply to a aid to a hotel by:</u>

the federal government;

<u>(1)</u>

30

1	(2) <u>a state; or</u>	
2	(3) a unit or instrumentality of a state or the federal government.	
3	<u>20–603.</u>	
4 5 6	(F) (E) THE HOTEL TAX AUTHORIZED UNDER THIS SECTION DOES NOT APPLY TO THE SALE OF A RIGHT TO OCCUPY A ROOM OR LODGINGS AS A TRANSIENT GUEST AT A DORMITORY OR OTHER LODGING FACILITY THAT:	
7 8 9	(1) IS OPERATED SOLELY IN SUPPORT OF THE HEADQUARTERS, A TRAINING FACILITY, A CONFERENCE FACILITY, AN AWARDS FACILITY, OR THE CAMPUS OF A CORPORATION OR OTHER ORGANIZATION;	
10 11 12	(2) PROVIDES PROVIDES LODGING SOLELY FOR EMPLOYEES, CONTRACTORS, VENDORS, AND OTHER INVITEES OF THE CORPORATION THAT OWNS THE DORMITORY OR LODGING FACILITY; AND	
13 14	(3) DOES DOES NOT OFFER LODGING SERVICES TO THE GENERAL PUBLIC.	
15	The Charter of Baltimore City	
16	Article II – General Powers	
17 18 19 20 21 22	The Mayor and City Council of Baltimore shall have full power and authority to exercise all of the powers heretofore or hereafter granted to it by the Constitution of Maryland or by any Public General or Public Local Laws of the State of Maryland; and in particular, without limitation upon the foregoing, shall have power by ordinance, or such other method as may be provided for in its Charter, subject to the provisions of said Constitution and Public General Laws:	
23	(40)	
24 25 26	(F) A HOTEL ROOM TAX AUTHORIZED UNDER THIS SECTION DOES NOT APPLY TO THE SALE OF A RIGHT TO OCCUPY A ROOM OR LODGINGS AS A TRANSIENT GUEST AT A DORMITORY OR OTHER LODGING FACILITY THAT:	
27 28 29	(1) IS OPERATED SOLELY IN SUPPORT OF THE HEADQUARTERS, A TRAINING FACILITY, A CONFERENCE FACILITY, AN AWARDS FACILITY, OR THE CAMPUS OF A CORPORATION OR OTHER ORGANIZATION;	
30 31 32	(2) PROVIDES LODGING SOLELY FOR EMPLOYEES, CONTRACTORS, VENDORS, AND OTHER INVITEES OF THE CORPORATION THAT OWNS THE DORMITORY OR LODGING FACILITY; AND	

1 2	(3) DOES NOT OFFER LODGING SERVICES TO THE GENERAL PUBLIC.		
3	Article 3 – Baltimore County		
4	11–1–102.		
5	(E) A TRANSIENT OCCUPANCY TAX AUTHORIZED UNDER THIS SECTION		
6	DOES NOT APPLY TO THE SALE OF A RIGHT TO OCCUPY A ROOM OR LODGINGS AS		
7	A TRANSIENT GUEST AT A DORMITORY OR OTHER LODGING FACILITY THAT:		
8	(1) IS OPERATED SOLELY IN SUPPORT OF THE HEADQUARTERS, A		
9	TRAINING FACILITY, A CONFERENCE FACILITY, AN AWARDS FACILITY, OR THE		
10	CAMPUS OF A CORPORATION OR OTHER ORGANIZATION;		
11	(2) PROVIDES LODGING SOLELY FOR EMPLOYEES, CONTRACTORS,		
12	VENDORS, AND OTHER INVITEES OF THE CORPORATION THAT OWNS THE		
13	DORMITORY OR LODGING FACILITY; AND		
14	(3) DOES NOT OFFER LODGING SERVICES TO THE GENERAL		
15	PUBLIC.		
16	Article 14 - Howard County		
17	SUBTITLE 4. ROOM RENTAL TAX		
18	20.400.		
19	(D) THE ROOM RENTAL TAX AUTHORIZED UNDER THIS SECTION DOES		
20	NOT APPLY TO THE SALE OF A RIGHT TO OCCUPY A ROOM OR LODGINGS AS A		
21	TRANSIENT GUEST AT A DORMITORY OR OTHER LODGING FACILITY THAT:		
22	(1) IS OPERATED SOLELY IN SUPPORT OF THE HEADQUARTERS, A		
23	TRAINING FACILITY, A CONFERENCE FACILITY, AN AWARDS FACILITY, OR THE		
24	CAMPUS OF A CORPORATION OR OTHER ORGANIZATION;		
25	(2) PROVIDES LODGING SOLELY FOR EMPLOYEES, CONTRACTORS,		
26	VENDORS, AND OTHER INVITEES OF THE CORPORATION THAT OWNS THE		
27	DORMITORY OR LODGING FACILITY; AND		
28	(3) DOES NOT OFFER LODGING SERVICES TO THE GENERAL		
29	PUBLIC.		

- 1 52–17.
- 2 (E) THE COUNCIL MAY NOT IMPOSE A TAX ON THE SALE OF A RIGHT TO
- 3 OCCUPY A ROOM OR LODGINGS AS A TRANSIENT GUEST AT A DORMITORY OR
- 4 OTHER LODGING FACILITY THAT:
- 5 (1) IS OPERATED SOLELY IN SUPPORT OF THE HEADQUARTERS, A
- 6 TRAINING FACILITY, A CONFERENCE FACILITY, AN AWARDS FACILITY, OR THE
- 7 CAMPUS OF A CORPORATION OR OTHER ORGANIZATION;
- 8 (2) PROVIDES LODGING SOLELY FOR EMPLOYEES, CONTRACTORS,
- 9 VENDORS, AND OTHER INVITEES OF THE CORPORATION THAT OWNS THE
- 10 DORMITORY OR LODGING FACILITY; AND
- 11 (3) DOES NOT OFFER LODGING SERVICES TO THE GENERAL
- 12 PUBLIC.
- 13 Article 17 Prince George's County
- 14 10–218.01.
- 15 (C) THE TAX AUTHORIZED UNDER THIS SECTION DOES NOT APPLY TO
- 16 THE SALE OF A RIGHT TO OCCUPY A ROOM OR LODGINGS AS A TRANSIENT
- 17 GUEST AT A DORMITORY OR OTHER LODGING FACILITY THAT:
- 18 (1) IS OPERATED SOLELY IN SUPPORT OF THE HEADQUARTERS, A
- 19 TRAINING FACILITY, A CONFERENCE FACILITY, AN AWARDS FACILITY, OR THE
- 20 CAMPUS OF A CORPORATION OR OTHER ORGANIZATION:
- 21 (2) PROVIDES LODGING SOLELY FOR EMPLOYEES, CONTRACTORS,
- 22 VENDORS, AND OTHER INVITEES OF THE CORPORATION THAT OWNS THE
- 23 DORMITORY OR LODGING FACILITY; AND
- 24 (3) DOES NOT OFFER LODGING SERVICES TO THE GENERAL
- 25 PUBLIC.
- SECTION 2. AND BE IT FURTHER ENACTED, That a taxpayer may claim a
- 27 refund from a local government for any hotel rental or transient occupancy taxes paid
- after June 30, 2010, if the taxes were paid on a transaction that is exempt under this
- 29 Act.
- 30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
- June 1, 2013, and shall be applicable to all taxes imposed after June 30, 2010.