HOUSE BILL 1273

Q32lr2795 HB 1176/21 – W&M

By: Delegates Hornberger, Anderton, Boteler, Buckel, and Griffith

Introduced and read first time: February 11, 2022

Assigned to: Ways and Means

A BILL ENTITLED 1 AN ACT concerning 2 Income Tax - Credit for Travel, Hospitality, and Entertainment 3 FOR the purpose of allowing an individual to claim a credit against the State income tax 4 for certain travel, hospitality, and entertainment expenses paid or incurred by the 5 individual during certain taxable years under certain circumstances; requiring the Department of Commerce to administer the credit; and generally relating to a credit 6 7 against the State income tax for travel, hospitality, and entertainment expenses. 8 BY adding to 9 Article – Tax – General 10 Section 10–754 11 Annotated Code of Maryland (2016 Replacement Volume and 2020 Supplement) 12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 13 That the Laws of Maryland read as follows: 14 Article - Tax - General 15 16 10-754.17 IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS (A) **(1)** 18 INDICATED. "DEPARTMENT" MEANS THE DEPARTMENT OF COMMERCE. 19 **(2)** 20 **(3)** "QUALIFIED EXPENSES" MEANS ANY OF THE FOLLOWING 21 EXPENSES PAID OR INCURRED BY AN INDIVIDUAL DURING ANY PERIOD OF 22

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

QUALIFIED TRAVEL:



| LODGING AT A VACATION HOME THAT IS OWNED BY THE INDIVIDUAL; (III) TRANSPORTATION EXPENSES, PROVIDED THAT THE CREITH FOR MILES DRIVEN IN THE INDIVIDUAL'S PRIVATELY OWNED VEHICLE CALCULATED USING THE PRIVATELY OWNED VEHICLE REIMBURSEMENT RATES EFFECT FOR STATE EMPLOYEES; (IV) EXPENSES FOR LIVE ENTERTAINMENT AND SPORTING EVENTS; OR (V) EXPENSES RELATED TO ATTENDING A CONFERENCE OF THE USINESS MEETING. (I) THAT OCCURS WITHIN THE STATE AFTER DECEMBER OF THE INDIVIDUAL. (II) FOR WHICH THE FINAL DESTINATION IS AT LEAST 50 MILESTOPE FROM THE PRINCIPAL RESIDENCE OF THE INDIVIDUAL. (B) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2021, BEFORE JANUARY 1, 2024, AN INDIVIDUAL MAY CLAIM A CREDIT AGAINST TO STATE INCOME TAX IN THE AMOUNT STATED ON THE TAX CREDIT CERTIFICATES UNDER SUBSECTION (D) OF THIS SECTION. (C) (1) FOR EACH TAXABLE YEAR, THE CREDIT ALLOWED UNDER THE SECTION MAY NOT EXCEED THE LESSER OF: (II) 100% OF THE QUALIFIED EXPENSES PAID OR INCURRED THE INDIVIDUAL DURING THE TAXABLE YEAR; OR (II) THE SUM OF: 1. A. \$500 FOR AN INDIVIDUAL; OR | 1 | (I) FOOD AND BEVERAGE EXPENSES; |
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| (III) TRANSPORTATION EXPENSES, PROVIDED THAT THE CREI FOR MILES DRIVEN IN THE INDIVIDUAL'S PRIVATELY OWNED VEHICLE CALCULATED USING THE PRIVATELY OWNED VEHICLE REIMBURSEMENT RATES FEFFECT FOR STATE EMPLOYEES; (IV) EXPENSES FOR LIVE ENTERTAINMENT AND SPORTI EVENTS; OR (V) EXPENSES RELATED TO ATTENDING A CONFERENCE BUSINESS MEETING. (4) "QUALIFIED TRAVEL" MEANS ANY TRAVEL: (1) THAT OCCURS WITHIN THE STATE AFTER DECEMBER 3 (2021, BUT BEFORE JANUARY 1, 2024; AND (II) FOR WHICH THE FINAL DESTINATION IS AT LEAST 50 MIL FROM THE PRINCIPAL RESIDENCE OF THE INDIVIDUAL. (B) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2021, B BEFORE JANUARY 1, 2024, AN INDIVIDUAL MAY CLAIM A CREDIT AGAINST T STATE INCOME TAX IN THE AMOUNT STATED ON THE TAX CREDIT CERTIFICA ISSUED UNDER SUBSECTION (D) OF THIS SECTION. (C) (1) FOR EACH TAXABLE YEAR, THE CREDIT ALLOWED UNDER THE SECTION MAY NOT EXCEED THE LESSER OF: (I) 100% OF THE QUALIFIED EXPENSES PAID OR INCURRED THE INDIVIDUAL DURING THE TAXABLE YEAR; OR (II) THE SUM OF: 1. A. \$500 FOR AN INDIVIDUAL; OR B. \$1,000 FOR A MARRIED COUPLE FILING A JOINT TO | 2 | (II) LODGING EXPENSES, OTHER THAN EXPENSES RELATED TO |
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| 29 2. AN AMOUNT EQUAL TO THE PRODUCT OF \$1 | 29 | 2. AN AMOUNT EQUAL TO THE PRODUCT OF \$100 |

- 1 MULTIPLIED BY THE NUMBER OF DEPENDENT CHILDREN OF THE INDIVIDUAL.
- 2 (2) A CREDIT MAY NOT BE ALLOWED UNDER THIS SECTION WITH
- 3 RESPECT TO ANY QUALIFIED EXPENSES FOR WHICH THE INDIVIDUAL CLAIMED A
- 4 DEDUCTION UNDER § 162(A)(2) OF THE INTERNAL REVENUE CODE.
- 5 (3) IF THE CREDIT ALLOWED UNDER THIS SECTION IN ANY TAXABLE
- 6 YEAR EXCEEDS THE STATE INCOME TAX FOR THAT TAXABLE YEAR, THE UNUSED
- 7 AMOUNT OF THE CREDIT MAY NOT BE CARRIED OVER TO ANY OTHER TAXABLE YEAR.
- 8 (D) (1) SUBJECT TO THE LIMITATIONS OF THIS SUBSECTION, ON
- 9 APPLICATION BY AN INDIVIDUAL, THE DEPARTMENT SHALL ISSUE A TAX CREDIT
- 10 CERTIFICATE IN THE AMOUNT ALLOWABLE UNDER SUBSECTION (C) OF THIS
- 11 SECTION.
- 12 (2) THE APPLICATION SHALL BE IN THE FORM AND CONTAIN THE
- 13 INFORMATION THAT THE DEPARTMENT REQUIRES.
- 14 (3) THE DEPARTMENT SHALL:
- 15 (I) APPROVE ALL APPLICATIONS THAT QUALIFY FOR A TAX
- 16 CREDIT CERTIFICATE UNDER THIS SUBSECTION ON A FIRST-COME, FIRST-SERVED
- 17 BASIS; AND
- 18 (II) NOTIFY THE INDIVIDUAL WITHIN 30 DAYS AFTER THE
- 19 RECEIPT OF THE APPLICATION OF THE DEPARTMENT'S APPROVAL OR DENIAL OF
- 20 THE APPLICATION.
- 21 (4) FOR ANY TAXABLE YEAR, THE TOTAL AMOUNT OF CREDIT
- 22 CERTIFICATES ISSUED BY THE DEPARTMENT UNDER THIS SUBSECTION MAY NOT
- 23 **EXCEED \$3,200,000.**
- 24 (E) ON OR BEFORE JANUARY 31 EACH TAXABLE YEAR, THE DEPARTMENT
- 25 SHALL REPORT TO THE COMPTROLLER ON THE TAX CREDIT CERTIFICATES ISSUED
- 26 UNDER THIS SECTION DURING THE PRIOR TAXABLE YEAR.
- 27 (F) THE DEPARTMENT AND THE COMPTROLLER JOINTLY SHALL ADOPT
- 28 REGULATIONS TO:
- 29 (1) IMPLEMENT THE PROVISIONS OF THIS SECTION; AND
- 30 (2) SPECIFY CRITERIA AND PROCEDURES FOR THE APPLICATION
- 31 FOR, APPROVAL OF, AND MONITORING OF CONTINUING ELIGIBILITY FOR THE TAX

1 CREDIT UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022. It shall remain effective for a period of 2 years and, at the end of June 30, 2024, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.