

HOUSE BILL 1513

C2, E4

(3lr3386)

ENROLLED BILL

— *Ways and Means/Budget and Taxation* —

Introduced by **Delegate Hixson**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Response to a State Disaster or Emergency – Licensing and**
3 **Taxes**

4 FOR the purpose of providing that certain out-of-state businesses and out-of-state
5 employees may not be considered to have established a presence in the State
6 that would subject the businesses or employees to certain licensing,
7 registration, or tax requirements; exempting certain out-of-state businesses
8 and out-of-state employees from certain income taxes and withholding
9 requirements; requiring certain out-of-state businesses and registered
10 businesses to provide a certain statement containing certain information;
11 defining certain terms; and generally relating to out-of-state businesses and
12 out-of-state employees.

13 BY repealing and reenacting, without amendments,
14 Article – Public Safety

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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

Italics indicate opposite chamber/conference committee amendments.



1 Section 14–203(b)
2 Annotated Code of Maryland
3 (2011 Replacement Volume and 2012 Supplement)

4 BY adding to
5 Article – Public Safety
6 Section 14–219
7 Annotated Code of Maryland
8 (2011 Replacement Volume and 2012 Supplement)

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

11 **Article – Public Safety**

12 14–203.

13 (b) This subtitle applies only during the effective period of an official
14 proclamation by the Governor that declares a stated area to be within an actual or
15 threatened emergency or disaster area.

16 **14–219.**

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
18 MEANINGS INDICATED.

19 (2) “DECLARED STATE DISASTER OR EMERGENCY” MEANS ANY
20 DISASTER OR EMERGENCY EVENT FOR WHICH:

21 (I) THE GOVERNOR PROCLAIMS A STATE OF EMERGENCY;

22 (II) A PRESIDENTIAL DECLARATION OF A FEDERAL MAJOR
23 DISASTER OR EMERGENCY IS ISSUED; OR

24 (III) A ~~GOOD FAITH RESPONSE EFFORT IS REQUIRED~~
25 WIDESPREAD UTILITY OUTAGE OCCURS.

26 (3) “DISASTER– OR EMERGENCY–RELATED WORK” MEANS
27 REPAIRING, RENOVATING, INSTALLING, BUILDING, RENDERING SERVICES, OR
28 OTHER BUSINESS ACTIVITIES THAT RELATE TO INFRASTRUCTURE THAT IS
29 DAMAGED, IMPAIRED, OR DESTROYED BY THE DECLARED STATE DISASTER OR
30 EMERGENCY.

31 (4) “DISASTER PERIOD” MEANS A PERIOD THAT BEGINS 10 DAYS
32 BEFORE THE FIRST DAY OF THE DECLARED STATE DISASTER OR EMERGENCY

1 AND EXTENDS FOR A PERIOD OF 60 CALENDAR DAYS AFTER THE END OF THE
2 DECLARED STATE DISASTER OR EMERGENCY.

3 (5) (I) "INFRASTRUCTURE" MEANS PROPERTY AND
4 EQUIPMENT OWNED OR USED BY COMMUNICATIONS NETWORKS, ELECTRIC
5 ~~GENERATION FACILITIES, GAS DISTRIBUTION SYSTEMS, PUBLIC ROADS AND~~
6 ~~BRIDGES, TRANSMISSION AND DISTRIBUTION SYSTEMS, WATER PIPELINES, AND~~
7 GENERATION FACILITIES, ELECTRIC AND GAS TRANSMISSION AND
8 DISTRIBUTION SYSTEMS, WATER PIPELINES, AND RELATED SUPPORT
9 FACILITIES.

10 (II) "INFRASTRUCTURE" INCLUDES REAL AND PERSONAL
11 PROPERTY.

12 (6) (I) "OUT-OF-STATE BUSINESS" MEANS A BUSINESS ENTITY
13 THAT:

14 1. HAS NO REGISTRATIONS, NEXUS, OR TAX FILINGS
15 IN THE STATE PRIOR TO THE DECLARED STATE DISASTER OR EMERGENCY; AND

16 2. IS REQUESTED BY A REGISTERED BUSINESS OR
17 THE STATE OR A LOCAL GOVERNMENT TO PERFORM DISASTER OR EMERGENCY
18 RELATED WORK DURING A DISASTER PERIOD.

19 (II) "OUT-OF-STATE BUSINESS" INCLUDES A BUSINESS
20 ENTITY THAT IS AFFILIATED WITH A REGISTERED BUSINESS IN THE STATE
21 SOLELY THROUGH COMMON OWNERSHIP.

22 (7) "OUT-OF-STATE EMPLOYEE" MEANS AN EMPLOYEE WHO
23 DOES NOT WORK IN THE STATE, EXCEPT DURING A DECLARED STATE DISASTER
24 OR EMERGENCY.

25 (8) "REGISTERED BUSINESS" MEANS A BUSINESS ENTITY THAT IS
26 CURRENTLY REGISTERED TO DO BUSINESS IN THE STATE BEFORE THE
27 DECLARED STATE DISASTER OR EMERGENCY.

28 (B) AN OUT-OF-STATE BUSINESS THAT PERFORMS DISASTER- OR
29 EMERGENCY-RELATED WORK DURING A DISASTER PERIOD DOES NOT
30 ESTABLISH A LEVEL OF PRESENCE THAT WOULD REQUIRE THE OUT-OF-STATE
31 BUSINESS OR ITS OUT-OF-STATE EMPLOYEES TO BE SUBJECT TO:

32 (1) STATE OR LOCAL LICENSING OR REGISTRATION
33 REQUIREMENTS;

- 1 **(2) STATE OR COUNTY INCOME TAXES;**
2 **(3) UNEMPLOYMENT INSURANCE CONTRIBUTIONS;**
3 **(4) PERSONAL PROPERTY TAX; OR**
4 **(5) ANY REQUIREMENT TO COLLECT AND REMIT THE SALES AND**
5 **USE TAX.**

6 **(C) (1) AN OUT-OF-STATE EMPLOYEE MAY NOT BE REQUIRED TO PAY**
7 **STATE OR COUNTY INCOME TAXES OR BE SUBJECT TO INCOME TAX**
8 **WITHHOLDING REQUIREMENTS.**

9 **(2) AN OUT-OF-STATE BUSINESS THAT EMPLOYS AN**
10 **OUT-OF-STATE EMPLOYEE MAY NOT BE REQUIRED TO PAY STATE OR COUNTY**
11 **INCOME TAXES OR BE SUBJECT TO INCOME TAX WITHHOLDING REQUIREMENTS**
12 **WITH RESPECT TO ANY OUT-OF-STATE EMPLOYEES.**

13 **(D) (1) AN OUT-OF-STATE BUSINESS SHALL PROVIDE TO THE**
14 **COMPTROLLER A STATEMENT THAT THE OUT-OF-STATE BUSINESS IS IN THE**
15 **STATE SOLELY FOR PURPOSES OF PERFORMING DISASTER- OR**
16 **EMERGENCY-RELATED WORK.**

17 **(2) THE STATEMENT REQUIRED UNDER PARAGRAPH (1) OF THIS**
18 **SUBSECTION SHALL INCLUDE FOR THE OUT-OF-STATE BUSINESS:**

- 19 **(I) THE NAME;**
20 **(II) THE STATE OF DOMICILE;**
21 **(III) THE PRINCIPAL ADDRESS;**
22 **(IV) THE FEDERAL TAX IDENTIFICATION NUMBER;**
23 **(V) THE DATE OF ENTRY INTO THE STATE; AND**
24 **(VI) CONTACT INFORMATION.**

25 **(E) A REGISTERED BUSINESS IN THE STATE SHALL PROVIDE THE**
26 **INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION FOR ANY**
27 **OUT-OF-STATE BUSINESS AFFILIATE THAT ENTERS THE STATE TO PERFORM**
28 **DISASTER- OR EMERGENCY-RELATED WORK.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 ~~October~~ June 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.