

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 1300
Ways and Means

(Delegates Eckardt and Haddaway)

Arts and Entertainment Districts - Tax Benefits

This bill expands the eligibility criteria for the subtraction modification tax benefit available for a qualifying residing artist. A qualifying artist could exclude the income derived from the publication, production, or sale of artistic work that is produced in the county in which an arts and entertainment district is located.

The bill takes effect July 1, 2007 and applies to tax years 2007 and 2008. The bill terminates on June 30, 2009.

Fiscal Summary

State Effect: Potential decrease in general fund revenues in FY 2008 and 2009 due to expanded eligibility for the subtraction modification. Expenditures would not be affected.

Local Effect: Potential decrease in local income tax revenues in FY 2008 and 2009. Expenditures would not be affected.

Small Business Effect: Potential meaningful.

Analysis

Current Law: A qualifying residing artist can exclude from the State income tax the income derived from the publication, production, or sale of artistic work that the individual wrote, composed, or executed, either solely or with others, in the arts and entertainment district.

A qualifying artist is an individual who owns or rents residential property in the county in which the arts and entertainment district is located and operates a business in the arts and entertainment district.

Background: Chapter 608 of 2001 authorized the Department of Business and Economic Development (DBED) to establish arts and entertainment districts within a county or municipal corporation. Counties and municipal corporations must apply to DBED to have an area designated as an arts and entertainment district. The district must be wholly within a priority funding area and a designated neighborhood. Chapter 608 expanded the permissible uses of the Maryland Economic Development Assistance Fund to allow DBED to use the fund to provide financial assistance to arts and entertainment enterprises and arts and entertainment projects.

Chapter 608 also created a subtraction modification under the Maryland income tax for the amount of income derived from the publication, production, or sale of artistic work that is created by a “qualifying residing artist” who owns or rents residential property in the district and conducts business in the district. The Comptroller’s Office does not collect information on the amount of any subtraction modification claimed as a result of residency in an arts and entertainment district. The income subtraction modification for these districts is consolidated together with other subtractions and is listed as a miscellaneous subtraction on the income tax return.

Chapter 608 also provided for a property tax credit against the county or municipal corporation property tax imposed on a manufacturing, commercial, or industrial building that is located in an arts and entertainment district, and is wholly or partially renovated for use as housing for qualifying residing artists. The property tax credit cannot be granted for more than 10 years.

Finally, under Chapter 608, a county or municipal corporation may exempt from the admissions and amusement tax gross receipts any admissions or amusement charge levied by an “arts and entertainment enterprise” or qualified residing artist in an arts and entertainment district.

Chapter 175 of 2005 altered the program by:

- expanding eligibility to include artists who own or rent real property in the county where an arts and entertainment district is located;
- clarifying that in order to qualify, a resident artist must write, compose, or execute artistic work in an arts and entertainment district;

- expanding the type of buildings in an arts and entertainment district for which a property tax credit may be granted by county and municipal governments to buildings that are constructed or renovated to be capable of use by a qualifying residing artist or an arts and entertainment enterprise; and
- establishing a method for calculating property tax credits that may be granted by local governments.

Exhibit 1 lists the 14 arts and entertainment districts currently established in the State.

Exhibit 1
Current Arts and Entertainment Districts

<u>Arts and Entertainment District</u>	<u>Location</u>
Cumberland	Allegany County
Station North	Baltimore City
Highlandtown	Baltimore City
Denton	Caroline County
Elkton	Cecil County
Cambridge	Dorchester County
Frederick	Frederick County
Bethesda	Montgomery County
Silver Spring	Montgomery County
Wheaton	Montgomery County
Gateway	Prince George’s County
Hagerstown	Washington County
Berlin	Worcester County
Snow Hill	Worcester County

State Fiscal Effect: The bill expands the subtraction modification available to qualified residing artists by allowing artistic works that are produced in the county in which a district is located to qualify, as opposed to only those works produced within the arts and entertainment district. As a result, the bill could increase the revenue loss associated with subtraction modification for the amount of income derived from the publication, production, or sale of artistic work compared to current law in fiscal 2008 and 2009. However, the amount of the revenue loss cannot be reliably estimated and depends on the number of qualifying residing artists, the income of qualifying residing artists from sales

or performances within a county or district, and the size and number of districts created. Revenues would not be affected in fiscal 2010 and beyond.

Local Fiscal Effect: Revenues for local jurisdictions where qualified residing artists live could decline by about 3% of the total subtraction taken against the State income tax in fiscal 2008 and 2009. Revenues would not be affected in fiscal 2010 and beyond.

Small Business Effect: To the extent that artists are small businesses, more businesses could potentially qualify for the tax benefits provided to qualified resident artists.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Comptroller's Office, Department of Business and Economic Development, Department of Legislative Services

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