

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

May 2, 2013

The Honorable President and Members
of the Baltimore City Council
Attn: Karen Randle, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 13-0213 – Change to Grow: 10-Year Plan – Excise Tax
on Passenger-for-Hire Services


Dear President and City Council Members:

The Law Department has reviewed City Council Bill 13-0213 for form and legal sufficiency. The bill would impose an excise tax on certain passenger-for-hire services. It provides for the administration of the tax, authorizes the adoption of related rules and regulation and requires certain reports and record-keeping. The bill imposes certain interest as well as civil and criminal penalties on the failure to pay the tax. The bill also has a special effective date.

The City's taxing powers derives from Article II, §§ 39 & 40 of the Charter. The power to levy an excise tax is implied by the broad language found in § 40 (a), which provides that the Mayor and Council may exercise "the power to tax to the same extent as the State of Maryland has or could exercise said power within the limits of Baltimore City as part of its general taxing power; and to provide by ordinance for the imposition, assessment, levy and collection of any tax or taxes authorized by this subsection;..." This language, and the delegation of power it provides to the Mayor and City Council, is broad enough to encompass an excise tax of the type and manner proposed by Council Bill 13- 0213.

As there are no legal impediments to the passage of this bill, the Law Department approves it for form and legal sufficiency as drafted.

Very truly yours,


Victor Tervala
Assistant Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor
Hilary Ruley, Assistant Solicitor

