

HOUSE BILL 1436

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Q8

2001 Regular Session
11r3010
CF 11r2998

By: **Wicomico County Delegation**

Introduced and read first time: March 5, 2001
Assigned to: Rules and Executive Nominations
Re-referred to: Ways and Means, March 14, 2001

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 22, 2001

CHAPTER 562

1 AN ACT concerning

2 **Wicomico County - Refunds of Local Transfer Tax**

3 FOR the purpose of authorizing the Wicomico County Council to refund certain
4 transfer tax assessed and collected under the authority of certain emergency
5 legislation that was subsequently rejected by voters in a referendum;
6 authorizing the Wicomico County Council to provide for the distribution of a
7 certain refund; and generally relating to authorization for the Wicomico County
8 Council to refund certain local transfer tax assessed and collected in Wicomico
9 County.

10 Preamble

11 WHEREAS, In 1992 the General Assembly enacted Chapter 399, authorizing
12 the Wicomico County Council to impose a local transfer tax; and

13 WHEREAS, On May 31, 2000, under the authority granted under Chapter 399
14 of the Acts of 1992, the Wicomico County Council passed Wicomico County Council
15 Bill No. 2000-5 as an emergency measure effective from the date of its passage,
16 imposing a 1% local transfer tax; and

17 WHEREAS, The bill enacting the transfer tax was petitioned to referendum
18 under the Wicomico County Charter and was rejected by the voters of Wicomico
19 County at the election held November 7, 2000; and

20 WHEREAS, Because the ordinance imposing the transfer tax had been enacted
21 as an emergency measure, the transfer tax remained in effect from the date of its
22 enactment until 30 days after the election; and

1 WHEREAS, If the ordinance had not been enacted as an emergency measure a
2 valid referendum petition would have delayed the effectiveness of the tax until
3 approval of the measure by the voters of Wicomico County; and

4 WHEREAS, The Wicomico County Council feels that to reflect the voters'
5 rejection of the tax in the November 7, 2000 referendum, it has a moral obligation to
6 return to taxpayers the tax revenue collected during the very limited period when the
7 transfer tax was in effect; and

8 WHEREAS, The General Assembly desires to provide the County Council the
9 authority to serve the public purpose of refunding those amounts that were collected
10 under the local transfer tax while it was briefly in effect, consistent with the voters'
11 rejection of the ordinance authorizing the tax; now, therefore,

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Wicomico County Council may provide for and develop a
14 process for the distribution of refunds of the local transfer tax that was enacted under
15 Wicomico County Council Bill No. 2000-5, as authorized by the General Assembly in
16 Chapter 399 of the Acts of 1992, and was assessed and collected during the period
17 from the enactment of the tax on May 31, 2000 until termination of the tax after the
18 rejection of the ordinance imposing the tax by voters in a referendum at a November
19 7, 2000, election.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 June 1, 2001.