

SENATE BILL 2

Q7, Q3, Q4

8lr0257
CF 8lr0258

By: **The President (By Request – Administration)**

Introduced and read first time: October 29, 2007

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Tax Reform Act of 2007**

3 FOR the purpose of altering a provision relating to the calculation of the income tax
4 required to be withheld on wages; altering the rates and rate brackets under the
5 State income tax on individuals; providing for the application of the income tax
6 rates to nonresidents; altering the amount allowed as a deduction for additional
7 exemptions under the Maryland income tax for certain individuals who as of the
8 last day of the taxable year are blind or are at least a certain age; altering the
9 calculation of the rate of tax that must be paid to the clerk of the circuit court
10 for a county or to the Department of Assessments and Taxation prior to the
11 recording of certain deeds for the sale of certain property; altering the
12 percentage of the federal earned income credit used for determining the amount
13 that certain individuals may claim as a refundable credit under the Maryland
14 earned income credit under certain circumstances; altering the calculation of a
15 refundable county earned income credit if a county provides a refundable county
16 earned income credit; allowing certain individuals having income not exceeding
17 certain levels a credit against the State income tax in a certain amount; making
18 the credit refundable under certain circumstances; altering the maximum rate
19 of the admissions and amusement tax that a county or municipal corporation
20 may set for gross receipts that are also subject to the State sales and use tax;
21 altering the rate of the sales and use tax; altering the percentage of gross
22 receipts from vending machine sales to which the sales and use tax rate applies;
23 altering the calculation of a certain credit relating to collecting and paying the
24 sales and use tax; altering the definition of “taxable service” under the sales and
25 use tax to impose the tax on certain services; designating certain periods each
26 year to be tax-free periods during which an exemption from the sales and use
27 tax is provided for the sale of certain appliances and products that meet or
28 exceed certain applicable energy efficiency guidelines and certain solar water
29 heaters; designating certain periods each year to be tax-free periods during
30 which a certain sales and use tax exemption for the sale of certain clothing or
31 footwear is provided; altering the State income tax rate on the Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 taxable income of corporations; requiring the Comptroller to distribute certain
2 corporate income tax revenues for certain fiscal years to a certain special fund
3 and a certain account in the Transportation Trust Fund; establishing the
4 Higher Education Investment Fund; specifying that the Fund is a special,
5 nonlapsing fund, that the State Treasurer shall hold the Fund separately, and
6 that the Comptroller shall account for the Fund; specifying that the Fund
7 consists of certain revenues and other moneys accepted for certain purposes;
8 requiring certain investment earnings to be credited to the Fund; allowing the
9 Fund to be used only for certain purposes and under certain circumstances;
10 altering a certain modification under the Maryland income tax relating to
11 certain federal tax changes; requiring certain corporations to compute Maryland
12 taxable income using a certain method; providing that, subject to regulations of
13 the Comptroller, certain groups of corporations shall file a combined income tax
14 return reflecting the aggregate income tax liability of all of the members of the
15 group; requiring the Comptroller to adopt certain regulations; requiring certain
16 regulations to be consistent with certain regulations adopted by the Multistate
17 Tax Commission; imposing recordation and transfer taxes on the transfer of
18 controlling interest in certain entities owning certain interests in real property
19 in Maryland; requiring the filing of a certain report; providing for a filing fee;
20 establishing the rate of taxation and the method of calculation of tax liability;
21 exempting certain transfers; providing for interest and a penalty for certain
22 filings; requiring the Department of Assessments and Taxation to adopt certain
23 regulations; requiring the Department to deduct and credit certain revenues to
24 a certain fund; altering the tobacco tax rate for cigarettes; altering a certain
25 discount provision under the tobacco tax; providing for the application of the
26 tobacco tax to certain cigarettes; requiring the Comptroller to assess interest
27 and penalties under certain circumstances for a certain taxable year; requiring
28 the Comptroller to adopt regulations to exempt from a certain rate increase
29 certain sales related to contracts entered into prior to a certain date; stating the
30 intent of the General Assembly that certain general fund appropriations for
31 certain purposes be included in the State budget for certain fiscal years under
32 certain circumstances; stating the intent of the General Assembly that certain
33 distributions of certain revenues continue for certain fiscal years under certain
34 circumstances; defining certain terms; repealing certain obsolete provisions of
35 law; providing for the effective dates and application of this Act; and generally
36 relating to Maryland taxes.

37 BY repealing and reenacting, without amendments,
38 Article – Tax – General
39 Section 2–106(c)(3) and (d)(3), 10–207(r), and 10–908(d)
40 Annotated Code of Maryland
41 (2004 Replacement Volume and 2007 Supplement)

42 BY repealing and reenacting, with amendments,
43 Article – Tax – General
44 Section 2–106(f), 2–614, 2–615, 4–105(b), 10–102.1(d)(1), 10–105,
45 10–210.1(b)(3), 10–211, 10–601, 10–704, 10–908(e) and (f), 10–912(c),

1 11-101(m), 10-811, 11-104(a) and (b), 11-105, 11-226, 11-228,
2 11-301, 12-105(a), and 12-303(b)
3 Annotated Code of Maryland
4 (2004 Replacement Volume and 2007 Supplement)

5 BY adding to
6 Article – Tax – General
7 Section 2-613.1, 10-402.1, and 10-726
8 Annotated Code of Maryland
9 (2004 Replacement Volume and 2007 Supplement)

10 BY adding to
11 Article – Education
12 Section 15-106.6
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2007 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Tax – Property
17 Section 12-110(d) and 13-209(a)
18 Annotated Code of Maryland
19 (2007 Replacement Volume)

20 BY adding to
21 Article – Tax – Property
22 Section 12-117 and 13-103
23 Annotated Code of Maryland
24 (2007 Replacement Volume)

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

27 **Article – Tax – General**

28 2-106.

29 (c) (3) The total amounts required under the tables to be withheld during
30 a taxable year shall approximate the total income tax due on the wages for the year,
31 determined as provided in subsection (f) of this section.

32 (d) (3) The total percentages required under the schedules to be withheld
33 during a taxable year shall approximate the income tax due on the wages for the year,
34 determined as provided in subsection (f) of this section.

35 (f) The total income tax required to be withheld on wages for purposes of the
36 withholding tables and withholding schedules under this section shall be calculated
37 without regard to the **MARGINAL** State income tax rates **LESS THAN 4%** set forth

1 under [§ 10–105(a)(1) through (3)] **§ 10–105(A)(1)(I) AND (II) AND (2)(I) AND (II)** of
2 this article.

3 10–102.1.

4 (d) (1) Except as provided in paragraph (2) of this subsection, the tax
5 imposed under subsection (b) of this section is the sum of:

6 (i) a rate equal to the sum of the rate of the tax imposed under
7 § 10–106.1 of this [title] **SUBTITLE** and the top marginal State tax rate for individuals
8 under § 10–105(a)(4) of this subtitle applied to the sum of each nonresident individual
9 member’s distributive share or pro–rata share of a pass–through entity’s nonresident
10 taxable income; and

11 (ii) the rate of the tax for a corporation under § 10–105(b) of this
12 subtitle applied to the sum of each nonresident entity member’s distributive share or
13 pro–rata share of a pass–through entity’s nonresident taxable income.

14 10–105.

15 (a) (1) **[The] FOR AN INDIVIDUAL OTHER THAN AN INDIVIDUAL**
16 **DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** State income tax rate
17 **[for an individual]** is:

18 [(1)] (I) 2% of Maryland taxable income of \$1 through \$1,000;

19 [(2)] (II) 3% of Maryland taxable income of \$1,001 through \$2,000;

20 [(3)] (III) 4% of Maryland taxable income of \$2,001 through **[\$3,000]**
21 **\$15,000; [and]**

22 (IV) **4.75% OF MARYLAND TAXABLE INCOME OF \$15,001**
23 **THROUGH \$150,000;**

24 (V) **6% OF MARYLAND TAXABLE INCOME OF \$150,001**
25 **THROUGH \$500,000; AND**

26 [(4)] (VI) **[for] 6.5% OF** Maryland taxable income in excess of
27 **[\$3,000:] \$500,000.**

28 [(i)] 4.875% for a taxable year beginning after December 31, 1997
29 but before January 1, 1999;

30 [(ii)] 4.85% for a taxable year beginning after December 31, 1998
31 but before January 1, 2000;

1 (iii) 4.85% for a taxable year beginning after December 31, 1999
2 but before January 1, 2001;

3 (iv) 4.8% for a taxable year beginning after December 31, 2000
4 but before January 1, 2002; and

5 (v) 4.75% for a taxable year beginning after December 31,
6 2001.]

7 **(2) FOR SPOUSES FILING A JOINT RETURN OR FOR A SURVIVING**
8 **SPOUSE OR HEAD OF HOUSEHOLD AS DEFINED IN § 2 OF THE INTERNAL**
9 **REVENUE CODE, THE STATE INCOME TAX RATE IS:**

10 (I) **2% OF MARYLAND TAXABLE INCOME OF \$1 THROUGH**
11 **\$2,000;**

12 (II) **3% OF MARYLAND TAXABLE INCOME OF \$2,001**
13 **THROUGH \$4,000;**

14 (III) **4% OF MARYLAND TAXABLE INCOME OF \$4,001**
15 **THROUGH \$22,500;**

16 (IV) **4.75% OF MARYLAND TAXABLE INCOME OF \$22,501**
17 **THROUGH \$200,000;**

18 (V) **6% OF MARYLAND TAXABLE INCOME OF \$200,001**
19 **THROUGH \$500,000; AND**

20 (VI) **6.5% OF MARYLAND TAXABLE INCOME IN EXCESS OF**
21 **\$500,000.**

22 (c) For a husband and wife filing a joint income tax return, the rates
23 specified in subsection (a) of this section apply to the joint Maryland taxable income of
24 the husband and wife.

25 **(D) FOR A NONRESIDENT:**

26 **(1) THE RATES SPECIFIED IN SUBSECTION (A) OF THIS SECTION**
27 **APPLY TO THE NONRESIDENT'S MARYLAND TAXABLE INCOME, CALCULATED**
28 **WITHOUT REGARD TO THE SUBTRACTIONS UNDER § 10-210(B), (E), AND (F) OF**
29 **THIS TITLE; AND**

30 **(2) THE STATE INCOME TAX IMPOSED EQUALS THE RESULT**
31 **OBTAINED UNDER ITEM (1) OF THIS SUBSECTION MULTIPLIED TIMES A**
32 **FRACTION:**

1 (I) THE NUMERATOR OF WHICH IS THE NONRESIDENT'S
2 MARYLAND TAXABLE INCOME, CALCULATED WITH THE SUBTRACTIONS UNDER §
3 10-210(B), (E), AND (F) OF THIS TITLE; AND

4 (II) THE DENOMINATOR OF WHICH IS THE NONRESIDENT'S
5 MARYLAND TAXABLE INCOME, CALCULATED WITHOUT REGARD TO THE
6 SUBTRACTIONS UNDER § 10-210(B), (E), AND (F) OF THIS TITLE.

7 10-207.

8 (r) (1) In this subsection, "modified Maryland adjusted gross income"
9 means Maryland adjusted gross income determined separately for each spouse on a
10 joint return without regard to the subtraction allowed under this subsection.

11 (2) For a two-income married couple filing a joint return, the
12 subtraction under subsection (a) of this section includes the lesser of \$1,200 or the
13 modified Maryland adjusted gross income of the spouse with the lesser modified
14 Maryland adjusted gross income for the taxable year.

15 10-211.

16 Whether or not a federal return is filed, to determine Maryland taxable income,
17 an individual other than a fiduciary may deduct as an exemption:

18 (1) **\$2,400** for each exemption that the individual may deduct in the
19 taxable year to determine federal taxable income under § 151 of the Internal Revenue
20 Code[:

21 (i) \$1,750 for a taxable year beginning after December 31, 1997
22 but before January 1, 1999;

23 (ii) \$1,850 for a taxable year beginning after December 31, 1998
24 but before January 1, 2000;

25 (iii) \$1,850 for a taxable year beginning after December 31, 1999
26 but before January 1, 2001;

27 (iv) \$2,100 for a taxable year beginning after December 31, 2000
28 but before January 1, 2002; and

29 (v) \$2,400 for a taxable year beginning after December 31,
30 2001];

31 (2) **AN ADDITIONAL \$2,400** for each dependent, as defined in § 152 of
32 the Internal Revenue Code, who is at least 65 years old on the last day of the taxable
33 year[, an additional:

1 (i) \$1,750 for a taxable year beginning after December 31, 1997
2 but before January 1, 1999;

3 (ii) \$1,850 for a taxable year beginning after December 31, 1998
4 but before January 1, 2000;

5 (iii) \$1,850 for a taxable year beginning after December 31, 1999
6 but before January 1, 2001;

7 (iv) \$2,100 for a taxable year beginning after December 31, 2000
8 but before January 1, 2002; and

9 (v) \$2,400 for a taxable year beginning after December 31,
10 2001];

11 (3) an additional [\$1,000] **\$2,000** if the individual, on the last day of
12 the taxable year, is at least 65 years old; and

13 (4) an additional [\$1,000] **\$2,000** if the individual, on the last day of
14 the taxable year, is a blind individual, as described in § 10-208(c) of this subtitle.

15 10-601.

16 Except as **PROVIDED IN § 10-105(D) OF THIS TITLE AND EXCEPT AS**
17 otherwise provided in this subtitle, a person shall compute the State income tax by
18 applying the tax [rate] **RATES** in § 10-105 of this title to Maryland taxable income.

19 10-704.

20 (a) (1) An individual may claim a credit against the State income tax for a
21 taxable year in the amount determined under subsection (b) of this section for earned
22 income.

23 (2) An individual may claim a credit against the county income tax for
24 a taxable year in the amount determined under subsection (c) of this section for earned
25 income.

26 (b) (1) Except as provided in paragraph (2) of this subsection and subject
27 to subsection (d) of this section, the credit allowed against the State income tax under
28 subsection (a)(1) of this section is the lesser of:

29 (i) 50% of the earned income credit allowable for the taxable
30 year under § 32 of the Internal Revenue Code; or

31 (ii) the State income tax for the taxable year.

1 (2) [(i)] An individual with one or more dependents that may be
2 claimed as exemptions may claim a refund in the amount, if any, by which [the
3 applicable percentage specified in subparagraph (ii) of this paragraph] **25%** of the
4 earned income credit allowable **FOR THE TAXABLE YEAR** under § 32 of the Internal
5 Revenue Code exceeds the State income tax for the taxable year.

6 (ii) The applicable percentage of the earned income credit
7 allowable under § 32 of the Internal Revenue Code to be used for purposes of
8 determining the refund provided under this paragraph is:

9 1. 16% for a taxable year beginning after December 31,
10 2000 but before January 1, 2002;

11 2. 16% for a taxable year beginning after December 31,
12 2001 but before January 1, 2003;

13 3. 18% for a taxable year beginning after December 31,
14 2002 but before January 1, 2004; and

15 4. 20% for a taxable year beginning after December 31,
16 2003.]

17 (c) (1) Except as provided in paragraph (2) of this subsection and subject
18 to subsection (d) of this section, the credit allowed against the county income tax under
19 subsection (a)(2) of this section is the lesser of:

20 (i) the earned income credit allowable for the taxable year
21 under § 32 of the Internal Revenue Code multiplied by 10 times the county income tax
22 rate for the taxable year; or

23 (ii) the county income tax for the taxable year.

24 (2) (i) A county may provide, by law, for a refundable county
25 earned income credit as provided in this paragraph for individuals having one or more
26 dependents that may be claimed as exemptions.

27 (ii) If a county provides for a refundable county earned income
28 credit under this paragraph, on or before July 1 prior to the beginning of the first
29 taxable year for which it is applicable, the county shall give the Comptroller notice of
30 the refundable county earned income credit.

31 (iii) If a county provides for a refundable county earned income
32 credit under this paragraph, an individual with one or more dependents that may be
33 claimed as exemptions may claim a refund of the amount, if any, by which the product
34 of multiplying the credit allowable **FOR THE TAXABLE YEAR** under § 32 of the
35 Internal Revenue Code by [the applicable number specified in subparagraph (iv) of

1 this paragraph] 5 times the county income tax rate for the taxable year exceeds the
2 county income tax for the taxable year.

3 (iv) [The applicable number to be multiplied by the county
4 income tax rate for purposes of determining a refund provided under this paragraph
5 is:

6 1. 3.2 for a taxable year beginning after December 31,
7 2000 but before January 1, 2002;

8 2. 3.2 for a taxable year beginning after December 31,
9 2001 but before January 1, 2003;

10 3. 3.6 for a taxable year beginning after December 31,
11 2002 but before January 1, 2004; and

12 4. 4 for a taxable year beginning after December 31,
13 2003.

14 (v)] The amount of any refunds payable under a refundable
15 county earned income credit operates to reduce the income tax revenue from
16 individuals attributable to the county income tax for that county.

17 (d) For an individual who is a nonresident or is a resident of the State for
18 only a part of the year, the amount of the credit or refund allowed under this section
19 shall be determined based on the part of the earned income credit allowable for the
20 taxable year under § 32 of the Internal Revenue Code that is attributable to Maryland,
21 determined by multiplying the federal earned income credit by a fraction:

22 (1) the numerator of which is the Maryland adjusted gross income of
23 the individual; and

24 (2) the denominator of which is the federal adjusted gross income of
25 the individual.

26 **10-726.**

27 (A) **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF AN**
28 **INDIVIDUAL OR A MARRIED COUPLE FILING A JOINT RETURN HAS FEDERAL**
29 **ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR THAT DOES NOT EXCEED**
30 **\$30,000, OR \$15,000 IN THE CASE OF A MARRIED INDIVIDUAL FILING A**
31 **SEPARATE RETURN, THE INDIVIDUAL OR MARRIED COUPLE FILING A JOINT**
32 **RETURN MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX FOR THE**
33 **TAXABLE YEAR IN AN AMOUNT EQUAL TO \$50.**

1 **(B) (1) IF THE CREDIT ALLOWED UNDER THIS SECTION IN ANY**
2 **TAXABLE YEAR EXCEEDS THE STATE INCOME TAX FOR THAT TAXABLE YEAR, AN**
3 **INDIVIDUAL MAY CLAIM A REFUND OF THE EXCESS CREDIT.**

4 **(2) FOR PURPOSES OF THIS SUBSECTION, THE STATE INCOME**
5 **TAX:**

6 **(I) SHALL BE CALCULATED BEFORE THE APPLICATION OF**
7 **THE CREDITS ALLOWED UNDER THIS SECTION AND §§ 10-701 AND 10-701.1 OF**
8 **THIS SUBTITLE BUT AFTER THE APPLICATION OF THE OTHER CREDITS**
9 **ALLOWED UNDER THIS SUBTITLE; AND**

10 **(II) MAY NOT BE LESS THAN ZERO.**

11 **(C) (1) THE CREDIT ALLOWED UNDER THIS SECTION MAY NOT BE**
12 **CLAIMED BY:**

13 **(I) A FIDUCIARY; OR**

14 **(II) AN INDIVIDUAL WHO MAY BE CLAIMED AS A DEPENDENT**
15 **ON ANOTHER INDIVIDUAL'S TAX RETURN.**

16 **(2) OF THE CREDIT ALLOWED UNDER THIS SECTION, AN**
17 **INDIVIDUAL WHO IS A NONRESIDENT OR IS A RESIDENT OF THE STATE FOR**
18 **ONLY A PART OF THE YEAR SHALL BE ALLOWED A FRACTION:**

19 **(I) THE NUMERATOR OF WHICH IS THE INDIVIDUAL'S**
20 **MARYLAND ADJUSTED GROSS INCOME; AND**

21 **(II) THE DENOMINATOR OF WHICH IS THE INDIVIDUAL'S**
22 **FEDERAL ADJUSTED GROSS INCOME.**

23 10-908.

24 **(d) A payor shall withhold from a payment subject to withholding of**
25 **winnings derived from wagering:**

26 **(1) if the payee is a resident, a rate equal to the sum of 3.0% and the**
27 **top marginal State income tax rate for individuals under § 10-105(a) of this title,**
28 **applied to the payment; and**

29 **(2) if the payee is a nonresident, a rate equal to the sum of the rate of**
30 **the tax imposed under § 10-106.1 of this title and the top marginal State income tax**
31 **rate for individuals under § 10-105(a) of this title, applied to the payment.**

1 (e) The Board of Trustees of the State Retirement and Pension System shall
2 withhold from a payment of a death benefit to a resident payee the sum of:

3 (1) [the top marginal State income tax rate for individuals under
4 § 10–105(a) of this title applied to] **4.75% OF** the payment; and

5 (2) the county income tax rate applied to the payment.

6 (f) If a payment to a resident payee is a designated distribution that is an
7 eligible rollover distribution within the meaning of § 3405(c) of the Internal Revenue
8 Code and the payment is subject to mandatory withholding of federal income tax, the
9 payor shall withhold from the payment [the sum of 3% and the top marginal State
10 income tax rate for individuals under § 10–105(a) of this title, applied to] **AN AMOUNT**
11 **EQUAL TO 7.75% OF** the payment.

12 10–912.

13 (c) Except as otherwise provided in this section, in a sale or exchange of real
14 property and associated tangible personal property owned by a nonresident or
15 nonresident entity, the deed or other instrument of writing that effects a change of
16 ownership on the assessment books under the Tax – Property Article may not be
17 recorded with the clerk of the circuit court for a county or filed with the Department of
18 Assessments and Taxation unless payment is made to the clerk of the circuit court for
19 a county or the Department of Assessments and Taxation in an amount equal to:

20 (1) the sum of the rate of the tax imposed under § 10–106.1 of this title
21 and the top marginal State income tax rate for individuals under § 10–105(a) of this
22 title, applied to the total payment to a nonresident; or

23 (2) [7%] **THE RATE OF THE TAX FOR A CORPORATION UNDER**
24 **§ 10–105(B) OF THIS TITLE** of the total payment to a nonresident entity.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
26 read as follows:

27 **Article – Tax – General**

28 4–105.

29 (b) If gross receipts subject to the admissions and amusement tax are also
30 subject to the sales and use tax, a county or a municipal corporation may not set a rate
31 so that, when combined with the sales and use tax, the total tax rate will exceed [10%]
32 **11%** of the gross receipts.

33 11–104.

34 (a) Except as otherwise provided in this section, the sales and use tax rate is:

- 1 (1) for a taxable price of less than \$1:
- 2 (i) 1 cent if the taxable price is 20 cents; [and]
- 3 (ii) [1 cent for each additional 20 cents or part of 20 cents; and]
- 4 **2 CENTS IF THE TAXABLE PRICE IS AT LEAST 21 CENTS BUT LESS THAN 34**
- 5 **CENTS;**
- 6 (iii) **3 CENTS IF THE TAXABLE PRICE IS AT LEAST 34 CENTS**
- 7 **BUT LESS THAN 51 CENTS;**
- 8 (iv) **4 CENTS IF THE TAXABLE PRICE IS AT LEAST 51 CENTS**
- 9 **BUT LESS THAN 67 CENTS;**
- 10 (v) **5 CENTS IF THE TAXABLE PRICE IS AT LEAST 67 CENTS**
- 11 **BUT LESS THAN 84 CENTS; AND**
- 12 (vi) **6 CENTS IF THE TAXABLE PRICE IS AT LEAST 84 CENTS;**
- 13 **AND**
- 14 (2) for a taxable price of \$1 or more:
- 15 (i) [5] **6 cents for each exact dollar; and**
- 16 (ii) [1 cent for each 20 cents or part of 20 cents] **FOR THAT**
- 17 **PART OF A DOLLAR** in excess of an exact dollar:
- 18 1. **1 CENT IF THE EXCESS OVER AN EXACT DOLLAR IS**
- 19 **AT LEAST 1 CENT BUT LESS THAN 17 CENTS;**
- 20 2. **2 CENTS IF THE EXCESS OVER AN EXACT DOLLAR**
- 21 **IS AT LEAST 17 CENTS BUT LESS THAN 34 CENTS;**
- 22 3. **3 CENTS IF THE EXCESS OVER AN EXACT DOLLAR**
- 23 **IS AT LEAST 34 CENTS BUT LESS THAN 51 CENTS;**
- 24 4. **4 CENTS IF THE EXCESS OVER AN EXACT DOLLAR**
- 25 **IS AT LEAST 51 CENTS BUT LESS THAN 67 CENTS;**
- 26 5. **5 CENTS IF THE EXCESS OVER AN EXACT DOLLAR**
- 27 **IS AT LEAST 67 CENTS BUT LESS THAN 84 CENTS; AND**
- 28 6. **6 CENTS IF THE EXCESS OVER AN EXACT DOLLAR**
- 29 **IS AT LEAST 84 CENTS.**

1 (b) If a retail sale of tangible personal property or a taxable service is made
2 through a vending or other self-service machine, the sales and use tax rate is [5%]
3 **6%**, applied to [95.25%] **94.5%** of the gross receipts from the vending machine sales.

4 11-105.

5 (a) (1) Except as provided in [subsections (b) and (c)] **SUBSECTION (B)** of
6 this section, a vendor who timely files a sales and use tax return is allowed, for the
7 expense of collecting and paying the tax, a credit equal to [0.9%] **0.75%** of the gross
8 amount of sales and use tax that the vendor is to pay to the Comptroller.

9 (2) The credit allowed under this section does not apply to any sales
10 and use tax that a vendor is required to pay to the Comptroller for any purchase or use
11 that the vendor makes that is subject to the tax.

12 (b) (1) Subject to paragraph (2) of this subsection, the credit allowed
13 under this section is 1.2% of the first \$6,000 of the gross amount of sales and use tax
14 that the vendor is to pay with each return.

15 (2) For a vendor who files or is eligible to file a consolidated return
16 under § 11-502 of this title, the credit allowed under paragraph (1) of this subsection
17 is 1.2% of the first \$6,000 of the gross amount of sales and use tax that the vendor is or
18 would be required to pay with the consolidated return.

19 [(c) From July 1, 2004 through June 30, 2006:

20 (1) the credit allowed under subsection (a) of this section is 0.45% of
21 the gross amount of sales and use tax that the vendor is to pay to the Comptroller; and

22 (2) the credit allowed under subsection (b) is:

23 (i) 0.6% of the first \$6,000 of the gross amount of sales and use
24 tax that the vendor is to pay with each return; or

25 (ii) for a vendor described in subsection (b)(2) of this section,
26 0.6% of the first \$6,000 of the gross amount of sales and use tax that the vendor is or
27 would be required to pay with the consolidated return.]

28 11-301.

29 The sales and use tax is computed on:

30 (1) the taxable price of each separate sale;

31 (2) if a combined sale is made, the combined taxable price of all retail
32 sales on the same occasion by the same vendor to the same buyer; or

1 (3) if retail sales of tangible personal property or a taxable service are
2 made through vending or other self-service machines, [95.25%] **94.5%** of the gross
3 receipts from the retail sales.

4 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
5 read as follows:

6 **Article – Tax – General**

7 11–101.

8 (m) “Taxable service” means:

9 (1) fabrication, printing, or production of tangible personal property by
10 special order;

11 (2) commercial cleaning or laundering of textiles for a buyer who is
12 engaged in a business that requires the recurring service of commercial cleaning or
13 laundering of the textiles;

14 (3) cleaning of a commercial or industrial building;

15 (4) cellular telephone or other mobile telecommunications service;

16 (5) “900”, “976”, “915”, and other “900”-type telecommunications
17 service;

18 (6) custom calling service provided in connection with basic telephone
19 service;

20 (7) a telephone answering service;

21 (8) pay per view television service;

22 (9) credit reporting;

23 (10) a security service, including:

24 (i) a detective, guard, or armored car service; and

25 (ii) a security systems service;

26 (11) a transportation service for transmission, distribution, or delivery
27 of electricity or natural gas, if the sale or use of the electricity or natural gas is subject
28 to the sales and use tax; [or]

1 (12) a prepaid telephone calling arrangement;

2 (13) **A REAL PROPERTY MANAGEMENT SERVICE; OR**

3 (14) **A TANNING, MASSAGE, PHYSICAL FITNESS, SAUNA, OR STEAM**
4 **BATH FACILITY OR SERVICE.**

5 11-226.

6 [(a) The sales and use tax does not apply to the sale of the following electric
7 appliances that meet or exceed the applicable Energy Star efficiency requirements
8 developed by the United States Environmental Protection Agency and the United
9 States Department of Energy:

10 (1) a clothes washer purchased on or after July 1, 2000, but before
11 July 1, 2003;

12 (2) a room air conditioner purchased on or after January 1, 2001, but
13 before July 1, 2004; or

14 (3) a standard size refrigerator purchased on or after July 1, 2001, but
15 before July 1, 2004.

16 (b) The sales and use tax does not apply to the sale, on or before July 1, 2004,
17 of:

18 (1) a fuel cell that:

19 (i) generates electricity and heat using an electrochemical
20 process;

21 (ii) has an electricity-only generation efficiency greater than
22 35%; and

23 (iii) has a generating capacity of at least 2 kilowatts;

24 (2) a natural gas heat pump that has a coefficient of performance of at
25 least 1.25 for heating and at least 0.70 for cooling;

26 (3) an electric heat pump hot water heater that yields an energy factor
27 of at least 1.7;

28 (4) an electric heat pump that has a heating system performance
29 factor of at least 7.5 and a cooling seasonal energy efficiency ratio of at least 13.5;

30 (5) a central air conditioner that has a cooling seasonal energy
31 efficiency ratio of at least 13.5; or

1 (6) an advanced natural gas water heater that has an energy factor of
2 at least 0.65.]

3 (A) (1) IN THIS SUBSECTION, "ENERGY STAR PRODUCT" MEANS AN
4 AIR CONDITIONER, CLOTHES WASHER, FURNACE, HEAT PUMP, STANDARD SIZE
5 REFRIGERATOR, COMPACT FLUORESCENT LIGHT BULB, DEHUMIDIFIER, OR
6 PROGRAMMABLE THERMOSTAT THAT HAS BEEN DESIGNATED AS MEETING OR
7 EXCEEDING THE APPLICABLE ENERGY STAR EFFICIENCY REQUIREMENTS
8 DEVELOPED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
9 AND THE UNITED STATES DEPARTMENT OF ENERGY.

10 (2) THE WEEKEND THAT CONSISTS OF THE FIRST SATURDAY IN
11 OCTOBER AND THE FOLLOWING SUNDAY AND THE WEEKEND THAT CONSISTS OF
12 THE FIRST SATURDAY IN MAY AND THE FOLLOWING SUNDAY EACH YEAR SHALL
13 BE TAX-FREE WEEKENDS DURING WHICH THE EXEMPTION UNDER PARAGRAPH
14 (3) OF THIS SUBSECTION SHALL APPLY.

15 (3) DURING THE TAX-FREE WEEKENDS ESTABLISHED UNDER
16 PARAGRAPH (2) OF THIS SUBSECTION, THE SALES AND USE TAX DOES NOT
17 APPLY TO THE SALE OF ANY:

18 (I) ENERGY STAR PRODUCT; OR

19 (II) SOLAR WATER HEATER.

20 [(c)] (B) The sales and use tax does not apply to the sale of a multifuel
21 pellet stove designed to burn agricultural field corn.

22 11-228.

23 (a) In this section, "accessory items" includes jewelry, watches, watchbands,
24 handbags, handkerchiefs, umbrellas, scarves, ties, headbands, and belt buckles.

25 (b) (1) The [5-day period from August 23, 2006 through August 27, 2006,]
26 **7-DAY PERIOD FROM THE SECOND SUNDAY IN AUGUST THROUGH THE**
27 **FOLLOWING SATURDAY AND THE 7-DAY PERIOD FROM THE FIRST SUNDAY IN**
28 **MAY THROUGH THE FOLLOWING SATURDAY** shall be [a tax-free period for
29 back-to-school] **TAX-FREE PERIODS FOR** shopping in Maryland during which the
30 exemption under paragraph (2) of this subsection shall apply.

31 (2) During the tax-free [period for back-to-school] **PERIODS FOR**
32 shopping established under paragraph (1) of this subsection, the sales and use tax
33 does not apply to the sale of any item of clothing or footwear, excluding accessory
34 items, if the taxable price of the item of clothing or footwear is \$100 or less.

1 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article - Education**

4 **15-106.6.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
6 MEANINGS INDICATED.

7 (2) "FUND" MEANS THE HIGHER EDUCATION INVESTMENT
8 FUND.

9 (3) "TUITION" MEANS THE CHARGES AND FEES APPROVED BY
10 THE GOVERNING BOARD OF A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION
11 WHICH ARE REQUIRED OF ALL UNDERGRADUATE RESIDENT STUDENTS BY THE
12 INSTITUTION AS A CONDITION OF ENROLLMENT REGARDLESS OF THE
13 STUDENT'S DEGREE PROGRAM, FIELD OF STUDY, OR SELECTED COURSES.

14 (B) (1) THERE IS A HIGHER EDUCATION INVESTMENT FUND.

15 (2) THE PURPOSE OF THE FUND IS TO:

16 (I) INVEST IN PUBLIC HIGHER EDUCATION AND
17 WORKFORCE DEVELOPMENT; AND

18 (II) KEEP TUITION AFFORDABLE FOR MARYLAND
19 STUDENTS AND FAMILIES.

20 (3) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
21 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

22 (4) THE TREASURER SHALL HOLD THE FUND AND THE
23 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

24 (5) THE PROCEEDS OF THE FUND SHALL BE INVESTED AND
25 REINVESTED.

26 (6) ANY INVESTMENT EARNINGS SHALL BE PAID INTO THE FUND.

27 (7) THE FUND CONSISTS OF:

1 (I) REVENUES FROM THE INCOME TAX ON CORPORATIONS
2 AS PROVIDED IN § 2-613.1 OF THE TAX - GENERAL ARTICLE; AND

3 (II) ANY OTHER MONEY FROM ANY OTHER SOURCE
4 ACCEPTED FOR THE BENEFIT OF THE FUND.

5 (8) THE COMMISSION SHALL ADMINISTER THE FUND.

6 (9) MONEY IN THE FUND MAY BE EXPENDED ONLY:

7 (I) TO SUPPLEMENT GENERAL FUND APPROPRIATIONS TO
8 PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS;

9 (II) FOR PUBLIC SENIOR HIGHER EDUCATION CAPITAL
10 PROJECTS; AND

11 (III) FOR WORKFORCE DEVELOPMENT INITIATIVES
12 ADMINISTERED BY THE COMMISSION.

13 (10) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN
14 ACCORDANCE WITH AN APPROPRIATION APPROVED BY THE GENERAL
15 ASSEMBLY IN THE ANNUAL STATE BUDGET.

16 Article - Tax - General

17 2-613.1.

18 AFTER MAKING THE DISTRIBUTION REQUIRED UNDER § 2-613 OF THIS
19 SUBTITLE, OF THE REMAINING INCOME TAX REVENUE FROM CORPORATIONS,
20 FOR FISCAL YEARS 2008 AND 2009 ONLY, THE COMPTROLLER SHALL
21 DISTRIBUTE MONTHLY:

22 (1) 6.25% TO THE HIGHER EDUCATION INVESTMENT FUND
23 ESTABLISHED UNDER § 15-106.6 OF THE EDUCATION ARTICLE; AND

24 (2) 6.25% TO THE GASOLINE AND MOTOR VEHICLE REVENUE
25 ACCOUNT IN THE TRANSPORTATION TRUST FUND.

26 2-614.

27 (a) After making the [distribution] DISTRIBUTIONS required under
28 [§ 2-613] §§ 2-613 AND 2-613.1 of this subtitle, the Comptroller shall distribute
29 monthly 24% of the remaining income tax revenue from corporations to a special fund
30 to be distributed as provided in subsection (b) of this section.

1 (b) (1) From the special fund, the Comptroller shall distribute an amount
 2 equal to 24% of the cost to administer the income tax on corporations to an
 3 administrative cost account.

4 (2) After making the distribution required under paragraph (1) of this
 5 subsection, the Comptroller shall distribute the balance in the special fund to the
 6 Gasoline and Motor Vehicle Revenue Account in the Transportation Trust Fund.

7 2-615.

8 After making the distributions required under §§ [2-613 and 2-614] **2-613,**
 9 **2-613.1, AND 2-614** of this subtitle, the Comptroller shall distribute the remaining
 10 income tax revenue from corporations to the General Fund of the State.

11 10-105.

12 (b) The State income tax rate for a corporation is [7%] **8%** of Maryland
 13 taxable income.

14 10-210.1.

15 (b) In addition to the modifications under §§ 10-204 through 10-210 of this
 16 subtitle, to determine Maryland adjusted gross income of an individual:

17 (3) an amount is added to or subtracted from federal adjusted gross
 18 income to reflect the determination of the maximum aggregate costs that the taxpayer
 19 may treat as an expense under § 179 of the Internal Revenue Code for any taxable
 20 year without regard to [the] **ANY** changes made to that section [by the Jobs and
 21 Growth Tax Relief Reconciliation Act of 2003 (P.L. 108-27), the American Jobs
 22 Creation Act of 2004 (P.L. 108-357), or the Tax Increase Prevention and Reconciliation
 23 Act of 2005 (P.L. 109-222)] **AFTER DECEMBER 31, 2002:**

24 (I) **INCREASING ABOVE \$25,000 THE DOLLAR LIMITATION**
 25 **SET FORTH IN § 179(B)(1) OF THE INTERNAL REVENUE CODE; OR**

26 (II) **INCREASING ABOVE \$200,000 THE PHASE-OUT**
 27 **THRESHOLD SET FORTH IN § 179(B)(2) OF THE INTERNAL REVENUE CODE; and**

28 SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 29 read as follows:

30 **Article - Tax - General**

31 **10-402.1.**

1 (A) **IN THIS SECTION, “UNITARY GROUP” MEANS AN AFFILIATED GROUP**
2 **OF CORPORATIONS:**

3 (1) **THAT IS ENGAGED IN A UNITARY BUSINESS; AND**

4 (2) **MORE THAN 50% OF THE VOTING STOCK OF EACH MEMBER OF**
5 **WHICH IS DIRECTLY OR INDIRECTLY OWNED BY:**

6 (I) **A COMMON OWNER OR COMMON OWNERS, EITHER**
7 **CORPORATE OR NONCORPORATE; OR**

8 (II) **ONE OR MORE MEMBER CORPORATIONS OF THE GROUP.**

9 (B) **WHETHER OR NOT THE UNITARY GROUP FILES A COMBINED**
10 **INCOME TAX RETURN UNDER § 10–811 OF THIS TITLE, A MEMBER OF A UNITARY**
11 **GROUP SHALL COMPUTE ITS MARYLAND TAXABLE INCOME USING THE**
12 **COMBINED REPORTING METHOD UNDER THIS SECTION.**

13 (C) **UNDER THE COMBINED REPORTING METHOD, IF A CORPORATION IS**
14 **A MEMBER OF A UNITARY GROUP AND IS SUBJECT TO THE MARYLAND INCOME**
15 **TAX, THE PART OF THE CORPORATION’S MARYLAND MODIFIED INCOME THAT IS**
16 **DERIVED FROM OR REASONABLY ATTRIBUTABLE TO TRADE OR BUSINESS**
17 **CARRIED ON IN THE STATE SHALL BE DETERMINED AS FOLLOWS:**

18 (1) **DETERMINE THE MARYLAND MODIFIED INCOME OF THE**
19 **UNITARY GROUP, BY COMBINING THE CORPORATION’S INCOME WITH THE**
20 **INCOME OF OTHER MEMBERS OF THE UNITARY GROUP, DISREGARDING**
21 **TRANSACTIONS BETWEEN MEMBERS OF THE UNITARY GROUP TO ACCURATELY**
22 **REFLECT THE INCOME OF THE UNITARY GROUP;**

23 (2) **DETERMINE THE PART OF THE UNITARY GROUP’S MARYLAND**
24 **MODIFIED INCOME THAT IS DERIVED FROM OR REASONABLY ATTRIBUTABLE TO**
25 **TRADE OR BUSINESS CARRIED ON IN THE STATE USING A MARYLAND**
26 **APPORTIONMENT FRACTION OF THE UNITARY GROUP, BASED ON NUMERATORS**
27 **AND DENOMINATORS OF THE PROPERTY, PAYROLL, AND SALES FACTORS UNDER**
28 **§ 10–402 OF THIS SUBTITLE COMPUTED BY COMBINING THOSE AMOUNTS**
29 **ASSOCIATED WITH THE ACTIVITIES OF THE CORPORATION WITH THE ACTIVITIES**
30 **OF OTHER MEMBERS OF THE UNITARY GROUP, DISREGARDING TRANSACTIONS**
31 **BETWEEN MEMBERS OF THE UNITARY GROUP TO ACCURATELY REFLECT THE**
32 **INCOME ALLOCABLE TO MARYLAND; AND**

33 (3) **FOR EACH MEMBER OF THE UNITARY GROUP THAT IS**
34 **SUBJECT TO THE MARYLAND INCOME TAX, ALLOCATE A PORTION OF THE**
35 **AMOUNT DETERMINED UNDER ITEM (2) OF THIS SUBSECTION TO THAT**

1 CORPORATION BY MULTIPLYING THE AMOUNT DETERMINED UNDER ITEM (2) OF
2 THIS SUBSECTION BY A FRACTION:

3 (I) THE NUMERATOR OF WHICH IS THE MARYLAND
4 APPORTIONMENT FRACTION OF THAT CORPORATION, DETERMINED BY USING
5 THAT CORPORATION'S MARYLAND FACTORS IN THE NUMERATORS OF THE
6 APPORTIONMENT FORMULA AND USING THE COMBINED FACTORS OF ALL
7 MEMBERS OF THE UNITARY GROUP IN THE DENOMINATORS OF THE
8 APPORTIONMENT FORMULA; AND

9 (II) THE DENOMINATOR OF WHICH IS THE SUM OF THE
10 MARYLAND APPORTIONMENT FRACTIONS OF THE MEMBERS OF THE UNITARY
11 GROUP THAT ARE SUBJECT TO THE MARYLAND INCOME TAX.

12 (D) (1) SUBJECT TO REGULATIONS ADOPTED BY THE COMPTROLLER,
13 A CORPORATION THAT IS PART OF A UNITARY GROUP SHALL DETERMINE ITS
14 INCOME DERIVED FROM OR ATTRIBUTABLE TO TRADE OR BUSINESS IN THE
15 STATE USING A WATER'S EDGE METHOD AS DESCRIBED IN THIS SUBSECTION.

16 (2) UNDER THE WATER'S EDGE METHOD, THE UNITARY GROUP
17 FOR PURPOSES OF THE COMBINED REPORTING METHOD REQUIRED UNDER THIS
18 SECTION SHALL INCLUDE ONLY THE FOLLOWING AFFILIATED ENTITIES:

19 (I) CORPORATIONS THAT ARE INCORPORATED IN THE
20 UNITED STATES, EXCLUDING CORPORATIONS MAKING AN ELECTION UNDER §§
21 931 THROUGH 936 OF THE INTERNAL REVENUE CODE;

22 (II) DOMESTIC INTERNATIONAL SALES CORPORATIONS, AS
23 DESCRIBED IN §§ 991 THROUGH 994 OF THE INTERNAL REVENUE CODE AND
24 FOREIGN SALES CORPORATIONS AS DESCRIBED IN §§ 921 THROUGH 927 OF THE
25 INTERNAL REVENUE CODE;

26 (III) ANY CORPORATION, OTHER THAN A BANK, REGARDLESS
27 OF THE PLACE WHERE IT IS INCORPORATED IF THE AVERAGE OF ITS PROPERTY,
28 PAYROLL, AND SALES FACTORS WITHIN THE UNITED STATES IS 20% OR MORE;

29 (IV) EXPORT TRADE CORPORATIONS, AS DESCRIBED IN §§
30 970 THROUGH 972 OF THE INTERNAL REVENUE CODE;

31 (V) A FOREIGN CORPORATION DERIVING GAIN OR LOSS
32 FROM DISPOSITION OF AN INTEREST IN REAL PROPERTY IN THE UNITED
33 STATES TO THE EXTENT RECOGNIZED UNDER § 897 OF THE INTERNAL
34 REVENUE CODE; AND

- 1 (a) The tobacco tax rate for cigarettes is:
- 2 (1) [50 cents] **\$1.00** for each package of 10 or fewer cigarettes;
- 3 (2) [\$1.00] **\$2.00** for each package of at least 11 and not more than 20
4 cigarettes;
- 5 (3) [5.0] **10.0** cents for each cigarette in a package of more than 20
6 cigarettes; and
- 7 (4) [5.0] **10.0** cents for each cigarette in a package of free sample
8 cigarettes.
- 9 12-303.

10 (b) The Comptroller shall allow a licensed wholesaler a discount of [0.82%]
11 **0.41%** of the purchase price of tax stamps.

12 Article - Tax - Property

13 12-110.

14 (d) (1) **THE DEPARTMENT SHALL DEDUCT THE COST OF**
15 **ADMINISTERING THE RECORDATION TAX FROM THE TAXES COLLECTED UNDER**
16 **THIS TITLE AND CREDIT THOSE REVENUES TO THE FUND ESTABLISHED UNDER**
17 **§ 1-203.3 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.**

18 (2) [The] **AFTER DEDUCTING THE REVENUES REQUIRED UNDER**
19 **PARAGRAPH (1) OF THIS SUBSECTION, THE** recordation tax collected under [§
20 12-103(d)] §§ **12-103(D) AND 12-117** of this title shall be paid to the Comptroller.
21 [After deduction of the cost to the Department of collecting the tax, the] **THE**
22 Comptroller shall distribute the revenue to the counties in the ratio that the
23 recordation tax collected in the prior fiscal year in each county bears to the total
24 recordation tax collected in all counties in that year.

25 **12-117.**

26 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
27 **MEANINGS INDICATED.**

28 (2) **“CONTROLLING INTEREST” MEANS:**

29 (I) **MORE THAN 80% OF THE TOTAL VALUE OF ALL CLASSES**
30 **OF STOCK OF A CORPORATION;**

1 (II) MORE THAN 80% OF THE TOTAL INTEREST IN CAPITAL
2 AND PROFITS OF A PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY,
3 OR OTHER UNINCORPORATED FORM OF DOING BUSINESS; OR

4 (III) MORE THAN 80% OF THE BENEFICIAL INTEREST IN A
5 TRUST.

6 (3) "FINAL TRANSFER" MEANS THAT TRANSFER OF ANY PORTION
7 OF A CONTROLLING INTEREST THAT COMPLETES THE TRANSFER OF A
8 CONTROLLING INTEREST IN A REAL PROPERTY ENTITY.

9 (4) (I) "PLAN OF TRANSFER" MEANS AN INTENTIONAL PLAN
10 OR PROGRAM TO TRANSFER THE CONTROLLING INTEREST IN A REAL PROPERTY
11 ENTITY.

12 (II) "PLAN OF TRANSFER" DOES NOT INCLUDE A SERIES OF
13 SALES OF SHARES OF A PUBLICLY TRADED ENTITY.

14 (5) (I) "REAL PROPERTY" MEANS REAL PROPERTY LOCATED
15 IN THE STATE.

16 (II) "REAL PROPERTY" DOES NOT INCLUDE:

17 1. A LEASEHOLD, UNLESS CREATED BY A LEASE
18 THAT IS REQUIRED TO BE RECORDED UNDER § 3-101(A) OF THE REAL
19 PROPERTY ARTICLE; OR

20 2. ANY MORTGAGE, DEED OF TRUST, OR OTHER LIEN
21 ON OR SECURITY INTEREST IN REAL PROPERTY THAT SECURES AN
22 INDEBTEDNESS.

23 (6) (I) "REAL PROPERTY ENTITY" MEANS A CORPORATION,
24 PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY, LIMITED LIABILITY
25 PARTNERSHIP, OTHER UNINCORPORATED FORM OF DOING BUSINESS, OR TRUST
26 THAT DIRECTLY OR BENEFICIALLY OWNS REAL PROPERTY THAT:

27 1. CONSTITUTES AT LEAST 80% OF THE VALUE OF
28 ITS ASSETS; AND

29 2. HAS AN AGGREGATE VALUE OF AT LEAST
30 \$1,000,000.

31 (II) FOR THE PURPOSES OF THIS PARAGRAPH, THE VALUE
32 OF REAL PROPERTY SHALL BE DETERMINED WITHOUT REDUCTION FOR ANY

1 MORTGAGE, DEED OF TRUST, OR OTHER LIEN ON OR SECURITY INTEREST IN
2 THE REAL PROPERTY.

3 (III) "REAL PROPERTY ENTITY" DOES NOT INCLUDE AN
4 ENTITY WITH LAND HOLDINGS THAT, OTHER THAN HOMESITES OR AREAS OF
5 COMMERCIAL ACTIVITY RELATED TO AGRICULTURAL PRODUCTION, ARE
6 ENTIRELY SUBJECT TO AN AGRICULTURAL USE ASSESSMENT UNDER § 8-209 OF
7 THIS ARTICLE.

8 (B) (1) THE RECORDATION TAX IS IMPOSED ON THE TRANSFER OF A
9 CONTROLLING INTEREST IN A REAL PROPERTY ENTITY, AS IF THE REAL
10 PROPERTY DIRECTLY OR BENEFICIALLY OWNED BY THE REAL PROPERTY
11 ENTITY, WAS CONVEYED BY AN INSTRUMENT OF WRITING THAT IS RECORDED
12 WITH THE CLERK OF THE CIRCUIT COURT FOR A COUNTY OR FILED WITH THE
13 DEPARTMENT UNDER § 12-102 OF THIS TITLE.

14 (2) (I) THE RECORDATION TAX IS IMPOSED ON THE
15 CONSIDERATION PAYABLE FOR THE TRANSFER OF THE CONTROLLING INTEREST
16 IN THE REAL PROPERTY ENTITY.

17 (II) THE CONSIDERATION TO WHICH THE RECORDATION
18 TAX APPLIES INCLUDES THE AMOUNT OF:

19 1. ANY MORTGAGE, DEED OF TRUST, OR OTHER LIEN
20 ON OR SECURITY INTEREST IN THE REAL PROPERTY DIRECTLY OR
21 BENEFICIALLY OWNED BY THE REAL PROPERTY ENTITY; AND

22 2. ANY OTHER DEBT OR ENCUMBRANCE OF THE
23 REAL PROPERTY ENTITY.

24 (III) THE CONSIDERATION TO WHICH THE RECORDATION
25 TAX APPLIES IS REDUCED BY THE AMOUNT ALLOCABLE TO THE ASSETS OF THE
26 REAL PROPERTY ENTITY OTHER THAN REAL PROPERTY.

27 (IV) THE REAL PROPERTY ENTITY HAS THE BURDEN OF
28 ESTABLISHING TO THE SATISFACTION OF THE DEPARTMENT THE
29 CONSIDERATION REFERRED TO IN SUBPARAGRAPH (I) OF THIS PARAGRAPH AND
30 THE AMOUNT OF ANY CONSIDERATION ALLOCABLE TO ASSETS OTHER THAN
31 REAL PROPERTY REFERRED TO IN SUBPARAGRAPH (III) OF THIS PARAGRAPH.

32 (V) IF THE REAL PROPERTY ENTITY FAILS TO ESTABLISH
33 THE AMOUNT OF CONSIDERATION REFERRED TO IN SUBPARAGRAPH (I) OF THIS
34 PARAGRAPH, THE RECORDATION TAX IS IMPOSED ON THE VALUE OF THE REAL
35 PROPERTY, DIRECTLY OR BENEFICIALLY OWNED BY THE REAL PROPERTY

1 ENTITY, DETERMINED BY THE DEPARTMENT AT THE DATE OF FINALITY
2 IMMEDIATELY BEFORE THE DATE OF THE FINAL TRANSFER.

3 (3) EXCEPT AS OTHERWISE PROVIDED IN § 12-103(D) OF THIS
4 TITLE, THE RECORDATION TAX IS APPLIED AT THE RATE SET UNDER
5 § 12-103(B) OF THIS TITLE BY THE COUNTY WHERE THE REAL PROPERTY IS
6 LOCATED.

7 (C) (1) THE TRANSFER OF A CONTROLLING INTEREST IN A REAL
8 PROPERTY ENTITY IS NOT SUBJECT TO RECORDATION TAX IF THE TRANSFER OF
9 THE REAL PROPERTY BY AN INSTRUMENT OF WRITING BETWEEN THE SAME
10 PARTIES AND UNDER THE SAME CIRCUMSTANCES WOULD HAVE BEEN EXEMPT
11 UNDER § 12-108 OF THIS TITLE.

12 (2) THE RECORDATION TAX IS NOT IMPOSED ON THE TRANSFER
13 OF A CONTROLLING INTEREST IN A REAL PROPERTY ENTITY EFFECTED IN MORE
14 THAN ONE TRANSACTION IF:

15 (I) THE TRANSFER IS COMPLETED OVER A PERIOD OF
16 MORE THAN 12 MONTHS; OR

17 (II) THE TRANSFER IS NOT MADE IN ACCORDANCE WITH A
18 PLAN OF TRANSFER.

19 (3) THE RECORDATION TAX IS NOT IMPOSED ON THE TRANSFER
20 OF A CONTROLLING INTEREST IN A REAL PROPERTY ENTITY TO ANOTHER
21 BUSINESS IF THE OWNERSHIP INTERESTS IN THE TRANSFEREE BUSINESS
22 ENTITY ARE HELD BY THE SAME PERSONS AND IN THE SAME PROPORTION AS IN
23 THE REAL PROPERTY ENTITY THE CONTROLLING INTEREST OF WHICH WAS
24 TRANSFERRED.

25 (4) THE RECORDATION TAX IS NOT IMPOSED ON THE TRANSFER
26 OF A CONTROLLING INTEREST IN A REAL PROPERTY ENTITY IF EACH
27 TRANSFEROR, EACH TRANSFEREE, AND EACH REAL PROPERTY ENTITY IS:

28 (I) A SUBSIDIARY CORPORATION, ALL OF THE STOCK OF
29 WHICH IS OWNED, DIRECTLY OR INDIRECTLY, BY A COMMON PARENT
30 CORPORATION;

31 (II) A PARTNERSHIP, ALL OF THE INTERESTS IN WHICH ARE
32 OWNED, DIRECTLY OR INDIRECTLY, BY ONE OR MORE SUBSIDIARIES OR THE
33 COMMON PARENT CORPORATION; OR

34 (III) THE COMMON PARENT CORPORATION.

1 **(5) THE RECORDATION TAX IS NOT IMPOSED ON THE TRANSFER**
2 **OF A CONTROLLING INTEREST IN A REAL PROPERTY ENTITY IF THE**
3 **TRANSFeree OF THE CONTROLLING INTEREST IN THE REAL PROPERTY ENTITY**
4 **IS:**

5 **(I) A NONSTOCK CORPORATION ORGANIZED UNDER TITLE**
6 **5, SUBTITLE 2 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE; AND**

7 **(II) REGISTERED WITH THE DEPARTMENT OF AGING AS A**
8 **CONTINUING CARE RETIREMENT COMMUNITY UNDER ARTICLE 70B, § 9 OF THE**
9 **CODE.**

10 **(6) THE REAL PROPERTY ENTITY HAS THE BURDEN OF**
11 **ESTABLISHING TO THE SATISFACTION OF THE DEPARTMENT THE**
12 **APPLICABILITY OF ANY EXEMPTION REFERRED TO IN PARAGRAPHS (1)**
13 **THROUGH (5) OF THIS SUBSECTION.**

14 **(D) (1) THE REAL PROPERTY ENTITY SHALL FILE WITH THE**
15 **DEPARTMENT A REPORT OF ANY TRANSFER OF A CONTROLLING INTEREST IN**
16 **THE REAL PROPERTY ENTITY THAT IS COMPLETED WITHIN A PERIOD OF 12**
17 **MONTHS OR LESS WITHIN 30 DAYS FOLLOWING THE DATE OF THE FINAL**
18 **TRANSFER.**

19 **(2) THE REPORT SHALL INCLUDE ALL INFORMATION TO**
20 **ESTABLISH TO THE SATISFACTION OF THE DEPARTMENT:**

21 **(I) THE CONSIDERATION REFERRED TO IN SUBSECTION**
22 **(B)(2)(I) OF THIS SECTION;**

23 **(II) THE AMOUNT OF ASSETS OTHER THAN REAL ESTATE**
24 **REFERRED TO IN SUBSECTION (B)(2)(II) OF THIS SECTION; AND**

25 **(III) ANY EXEMPTION PROVIDED FOR IN SUBSECTION (C) OF**
26 **THIS SECTION.**

27 **(3) THE REPORT SHALL BE ACCOMPANIED BY PAYMENT OF:**

28 **(I) A \$20 FILING FEE; AND**

29 **(II) ANY TAX, INTEREST, AND PENALTY THAT IS DUE.**

30 **(E) (1) IF ANY TAX DUE UNDER THIS SECTION REMAINS UNPAID FOR**
31 **30 DAYS AFTER THE DATE OF THE FINAL TRANSFER:**

1 (I) INTEREST ON THE UNPAID AMOUNT SHALL ACCRUE
2 THEREAFTER AT THE RATE OF 1% PER MONTH; AND

3 (II) A PENALTY OF 10% OF THE UNPAID AMOUNT SHALL BE
4 DUE.

5 (2) ANY TAX, INTEREST, AND PENALTY DUE UNDER THIS SECTION
6 IS AN OBLIGATION OF THE REAL PROPERTY ENTITY.

7 (3) FOR REASONABLE CAUSE, THE DEPARTMENT MAY WAIVE THE
8 IMPOSITION OF INTEREST OR PENALTY.

9 (F) THIS SECTION DOES NOT APPLY TO:

10 (1) A PLEDGE OF STOCK OR OTHER INTEREST IN A REAL
11 PROPERTY ENTITY AS SECURITY FOR A LOAN; OR

12 (2) THE ADMISSION TO THE REAL PROPERTY ENTITY OF
13 ADDITIONAL SHAREHOLDERS, PARTNERS, BENEFICIAL OWNERS, OR OTHER
14 MEMBERS INCIDENT TO THE RAISING OF ADDITIONAL CAPITAL THROUGH A
15 PUBLIC OR PRIVATE OFFERING OF STOCK OR OTHER INTERESTS IN THE REAL
16 PROPERTY ENTITY IF:

17 (I) THE EFFECTIVE MANAGEMENT OF THE REAL PROPERTY
18 ENTITY IS NOT SUBSTANTIALLY CHANGED; AND

19 (II) UNDER THE TERMS OF THE OFFERING, NONE OF THE
20 NEW MEMBERS IS EXPECTED TO PARTICIPATE IN THE DAY-TO-DAY
21 MANAGEMENT OF THE REAL PROPERTY ENTITY.

22 (G) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO
23 ADMINISTER THIS SECTION.

24 (2) THE REGULATIONS SHALL INCLUDE ANY ADDITIONAL
25 STANDARDS AND EXEMPTIONS TO ASSURE THAT:

26 (I) A TAX IS IMPOSED WHEN A TRANSACTION IS
27 STRUCTURED INVOLVING A CONTROLLING INTEREST IN A REAL PROPERTY
28 ENTITY TO AVOID PAYMENT OF THE RECORDATION TAX;

29 (II) EXEMPTIONS PROVIDED BY LAW WHEN REAL PROPERTY
30 IS TRANSFERRED BY AN INSTRUMENT OF WRITING ARE APPLICABLE; AND

31 (III) THERE IS NO DOUBLE TAXATION OF A SINGLE
32 TRANSACTION.

1 **13-103.**

2 (A) IN THIS SECTION, "CONTROLLING INTEREST", "REAL PROPERTY",
3 AND "REAL PROPERTY ENTITY" HAVE THE MEANINGS STATED IN § 12-117 OF
4 THIS ARTICLE.

5 (B) (1) THE TAXES UNDER THIS TITLE ARE IMPOSED ON THE
6 TRANSFER OF A CONTROLLING INTEREST IN A REAL PROPERTY ENTITY AS IF
7 THE REAL PROPERTY, DIRECTLY OR BENEFICIALLY OWNED BY THE REAL
8 PROPERTY ENTITY, WAS CONVEYED BY AN INSTRUMENT OF WRITING THAT IS
9 RECORDED WITH THE CLERK OF THE CIRCUIT COURT FOR A COUNTY OR FILED
10 WITH THE DEPARTMENT UNDER § 13-202 OF THIS TITLE.

11 (2) THE TAXES UNDER THIS SECTION ARE IMPOSED ON THE
12 CONSIDERATION PAYABLE FOR THE TRANSFER OF THE CONTROLLING INTEREST
13 IN THE REAL PROPERTY ENTITY OR ON THE VALUE OF THE REAL PROPERTY
14 DIRECTLY OR BENEFICIALLY OWNED BY THE REAL PROPERTY ENTITY, AS
15 PROVIDED IN § 12-117(B)(2) OF THIS ARTICLE.

16 (3) (I) EXCEPT FOR THE COUNTY TRANSFER TAX, THE TAXES
17 UNDER THIS SECTION SHALL BE APPLIED AT THE RATES ESTABLISHED IN THIS
18 TITLE.

19 (II) THE COUNTY TRANSFER TAX SHALL BE APPLIED AT THE
20 RATE IMPOSED BY THE COUNTY WHERE THE REAL PROPERTY IS LOCATED.

21 (C) THE TAXES UNDER THIS TITLE ARE NOT IMPOSED ON THE
22 TRANSFER OF A CONTROLLING INTEREST IN A REAL PROPERTY ENTITY IN ANY
23 OF THE CIRCUMSTANCES DESCRIBED:

24 (1) IN § 13-207 OF THIS TITLE THAT EXEMPTS AN INSTRUMENT
25 OF WRITING FROM THE TRANSFER TAX; OR

26 (2) IN § 12-117(C) OF THIS ARTICLE THAT EXEMPTS THE
27 TRANSFER OF A CONTROLLING INTEREST IN A REAL PROPERTY ENTITY FROM
28 THE RECORDATION TAX.

29 (D) IN EACH INSTANCE IN WHICH A CONTROLLING INTEREST IN A REAL
30 PROPERTY ENTITY IS TRANSFERRED, THE PROVISIONS OF § 12-117(D) AND (E)
31 OF THIS ARTICLE ARE APPLICABLE.

32 (E) THIS SECTION DOES NOT APPLY IN THE CIRCUMSTANCES
33 DESCRIBED IN § 12-117(F) OF THIS ARTICLE.

1 **(F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ADMINISTER**
2 **THIS SECTION IN THE SAME MANNER AS IN § 12-117(G) OF THIS ARTICLE.**

3 13-209.

4 **(a) (1) THE DEPARTMENT SHALL DEDUCT THE COST OF**
5 **ADMINISTERING THE TRANSFER TAX FROM THE TAXES COLLECTED UNDER THIS**
6 **TITLE AND CREDIT THOSE REVENUES TO THE FUND ESTABLISHED UNDER**
7 **§ 1-203.3 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.**

8 **(2) [The] AFTER DEDUCTING THE REVENUES REQUIRED UNDER**
9 **PARAGRAPH (1) OF THIS SUBSECTION, THE** revenue from transfer tax is payable to
10 the Comptroller for deposit in a special fund.

11 SECTION 7. AND BE IT FURTHER ENACTED, That, for a taxable year
12 beginning after December 31, 2007, but before January 1, 2009:

13 (1) estimated tax payments for an individual or a corporation for the
14 taxable year shall reflect the revised income tax rates under § 10-105(a) and (b) of the
15 Tax – General Article as enacted under Sections 1 and 4 of this Act; and

16 (2) notwithstanding §§ 13-602 and 13-702 of the Tax – General
17 Article, the Comptroller shall assess interest and penalties under §§ 13-602 and
18 13-702 of the Tax – General Article:

19 (i) if an individual pays estimated income tax for the taxable
20 year in an amount that is:

21 1. less than 90% of the tax required to be shown on the
22 return for the current taxable year; and

23 2. less than 135% of the tax paid for the prior taxable
24 year, reduced by the credit allowed under § 10-703 of the Tax – General Article; or

25 (ii) if a corporation pays estimated income tax for the taxable
26 year in an amount that is:

27 1. less than 90% of the tax required to be shown on the
28 return for the current taxable year; and

29 2. less than 125% of the tax paid for the prior taxable
30 year.

31 SECTION 8. AND BE IT FURTHER ENACTED, That the Comptroller shall
32 adopt regulations that will exempt from the increase in the rate of the sales and use
33 tax under § 11-104 of the Tax – General Article as enacted by Section 2 of this Act any
34 otherwise taxable sales of tangible personal property to contractors or builders to be

1 used for the construction, repair, or alteration of real property, on contracts entered
2 into prior to the effective date of the sales and use tax increase under § 11-104 of the
3 Tax – General Article as enacted by Section 2 of this Act. The exemption may be in
4 the form of a refund, credit, or, to the extent practicable, deduction at the time of sale.
5 The regulations shall be applicable only with respect to the 1% increase in the rate of
6 the sales and use tax which becomes effective January 3, 2008.

7 SECTION 9. AND BE IT FURTHER ENACTED, That all cigarettes used,
8 possessed, or held in the State on or after January 1, 2008, by any person for sale or
9 use in the State, shall be subject to the full tobacco tax of \$2 on cigarettes imposed by
10 this Act. This requirement includes: (1) cigarettes in vending machines or other
11 mechanical dispensers; and (2) cigarettes (generally referred to as “floor stock”) in
12 packages which already bear stamps issued by the Comptroller under the State
13 Tobacco Tax Act but for an amount less than the full tax imposed on \$1 for each 10
14 cigarettes or fractional part thereof; all cigarettes held for sale by any person in the
15 State on or after January 1, 2008, that bear a stamp issued by the Comptroller of a
16 value less than \$2 for each pack of 20 cigarettes must be stamped with the additional
17 stamps necessary to make the aggregate tax value equal to \$2. The Comptroller may
18 provide an alternative method of collecting the additional tax. The revenue
19 attributable to this requirement shall be remitted to the Comptroller by April 30,
20 2008. Except as otherwise provided in this Section, on or after January 1, 2008, no
21 Maryland stamp shall be used except the stamp issued by the Comptroller to evidence
22 the tobacco tax on cigarettes of \$2 imposed by this Act.

23 SECTION 10. AND BE IT FURTHER ENACTED, That it is the intent of the
24 General Assembly that, if the voters of this State at the next general election to be
25 held in November 2008 adopt a constitutional amendment that allows the operation of
26 video lottery gaming in the State:

27 (1) the Budget Bill for fiscal 2010 include a General Fund
28 appropriation for the payment of debt service on State bonds in an amount not less
29 than the amount estimated to be sufficient to allow the Board of Public Works to
30 establish a property tax rate of 10.2 cents per \$100 of assessed value for real property
31 other than operating property of a public utility;

32 (2) the Budget Bill for fiscal 2011 include a General Fund
33 appropriation for the payment of debt service on State bonds in an amount not less
34 than the amount estimated to be sufficient to allow the Board of Public Works to
35 establish a property tax rate of 9.2 cents per \$100 of assessed value for real property
36 other than operating property of a public utility; and

37 (3) the Budget Bill for fiscal 2012 include a General Fund
38 appropriation for the payment of debt service on State bonds in an amount not less
39 than the amount estimated to be sufficient to allow the Board of Public Works to
40 establish a property tax rate of 8.2 cents per \$100 of assessed value for real property
41 other than operating property of a public utility.

1 SECTION 11. AND BE IT FURTHER ENACTED, That it is the intent of the
2 General Assembly that, if the voters of this State at the next general election to be
3 held in November 2008 adopt a constitutional amendment that allows the operation of
4 video lottery gaming in the State, the distribution of corporate income tax revenues to
5 the Higher Education Investment Fund and the Gasoline and Motor Vehicle Revenue
6 Account in the Transportation Trust Fund required under § 2-613.1 of the Tax –
7 General Article as enacted by Section 4 of this Act continue in fiscal year 2010 and
8 each subsequent fiscal year.

9 SECTION 12. AND BE IT FURTHER ENACTED, That Sections 1, 4, and 5 of
10 this Act shall be applicable to all taxable years beginning after December 31, 2007.

11 SECTION 13. AND BE IT FURTHER ENACTED, That Section 2 of this Act
12 shall take effect January 3, 2008.

13 SECTION 14. AND BE IT FURTHER ENACTED, That Section 3 of this Act
14 shall take effect July 1, 2008.

15 SECTION 15. AND BE IT FURTHER ENACTED, That, subject to Sections 12
16 through 14 of this Act, this Act shall take effect January 1, 2008.