

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL NO. 879
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “facilities;” insert “specifying certain conditions for the implementation of the tax;”; in line 6, after “tax;” insert “exempting certain construction from the tax; authorizing the County Commissioners to establish certain criteria and additional building excise tax exemptions;”; in line 7, strike the second “of” and substitute “from”; in line 8, strike “of” and substitute “from”; and in line 9, after “facilities;” insert “requiring municipal corporations to assist the County Commissioners in the collection of the building excise tax in a certain manner; requiring the County Commissioners, in consultation with the Frederick County Director of Finance, to conduct a certain study and to submit results of the study by a certain date to the Frederick County senators and delegates;”.

AMENDMENT NO. 2

On page 1, in line 20, strike “(1)” and substitute “SUBJECT TO SUBSECTION (B) OF THIS SECTION;”; and after line 21, insert:

“(B) (1) IF THE COUNTY COMMISSIONERS IMPOSE A BUILDING EXCISE TAX, THE COUNTY COMMISSIONERS MAY NOT ALSO IMPOSE AN IMPACT FEE FOR FINANCING THE CAPITAL COSTS OF ADDITIONAL OR EXPANDED ROADS UNDER THE AUTHORITY GRANTED IN ARTICLE 25, § 9J OF THE CODE.

“(2) IF A MUNICIPAL CORPORATION HAS IMPOSED A TAX ON CONSTRUCTION SPECIFICALLY DEVOTED AND LIMITED BY LAW TO USE FOR CAPITAL PROJECTS FOR ADDITIONAL OR EXPANDED PUBLIC ROAD FACILITIES, THE COUNTY COMMISSIONERS MAY NOT IMPOSE OR COLLECT A BUILDING EXCISE TAX ON THE SAME CONSTRUCTION WITHIN THE MUNICIPAL CORPORATION.”;

in line 22, strike “(2)” and substitute “(C)(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, “; and after line 23, insert:

(Over)

“(2) CONSTRUCTION INTENDED TO BE ACTIVELY USED FOR FARM OR AGRICULTURAL USE MAY NOT BE SUBJECT TO A BUILDING EXCISE TAX UNDER THIS SECTION SO LONG AS THE CONSTRUCTION CONTINUES TO BE ACTIVELY USED FOR FARM OR AGRICULTURAL USE.

(3) RESIDENTIAL CONSTRUCTION MAY NOT BE SUBJECT TO A BUILDING EXCISE TAX UNDER THIS SECTION IF:

(I) THE CONSTRUCTION IS FOR A SINGLE FAMILY RESIDENTIAL BUILDING EXISTING ON JULY 1, 2001; AND

(II) THE CONSTRUCTION INCREASES THE SQUARE FOOTAGE OF THE BUILDING BY LESS THAN 100% OF THE ALREADY PERMITTED SQUARE FOOTAGE.

(4) THE COUNTY COMMISSIONERS MAY ESTABLISH:

(I) CRITERIA TO DETERMINE IF CONSTRUCTION QUALIFIES FOR AN EXEMPTION UNDER THIS SECTION; AND

(II) ADDITIONAL BUILDING EXCISE TAX EXEMPTIONS WITH APPROPRIATE CRITERIA.”.

in line 24, strike “(B)” and substitute “(D)”; in lines 25 and 27, in each instance, strike “OF” and substitute “FROM”; and in line 27, after “(2)” insert “SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION,”.

AMENDMENT NO. 3

On page 2, after line 4, insert:

“(3) BEFORE THE COUNTY COMMISSIONERS MAY EXPEND FUNDS FROM THE DEVELOPMENT ROAD IMPROVEMENT FUND, THE COUNTY COMMISSIONERS MUST MATCH AT LEAST THE SAME AMOUNT OF FUNDS FOR CAPITAL PROJECTS FOR ADDITIONAL OR EXPANDED PUBLIC ROAD FACILITIES.

(4) BEFORE THE COUNTY COMMISSIONERS MAY EXPEND FUNDS

FROM THE DEVELOPMENT ROAD IMPROVEMENT FUND FOR A ROAD PROJECT ON A STATE HIGHWAY, AS DEFINED IN § 8-101 OF THE TRANSPORTATION ARTICLE, THE STATE MUST MATCH AT LEAST THE SAME AMOUNT OF FUNDS FOR A CAPITAL PROJECT FOR ADDITIONAL OR EXPANDED PUBLIC ROAD FACILITIES ON THE SAME ROAD PROJECT ON THE STATE HIGHWAY THAT IS WITHIN FREDERICK COUNTY.

(E) A MUNICIPAL CORPORATION SHALL ASSIST THE COUNTY COMMISSIONERS IN THE COLLECTION OF THE BUILDING EXCISE TAX WITHIN THE MUNICIPAL CORPORATION BY:

(1) COLLECTING AND REMITTING THE TAX TO THE COUNTY; OR

(2) REQUIRING THE TAX TO BE PAID TO THE COUNTY COMMISSIONERS IN ACCORDANCE WITH A COUNTY ORDINANCE.

(F) THE COUNTY COMMISSIONERS, IN CONSULTATION WITH THE FREDERICK COUNTY DIRECTOR OF FINANCE:

(1) SHALL CONDUCT A COMPREHENSIVE STUDY OF THE IMPACT OF THE BUILDING EXCISE TAX ON THE ECONOMY OF FREDERICK COUNTY; AND

(2) ON OR BEFORE JANUARY 1, 2006, SHALL SUBMIT THE RESULTS OF THE STUDY AND RECOMMENDATIONS TO THE FREDERICK COUNTY SENATORS AND DELEGATES.”.