

HOUSE BILL 1436

Unofficial Copy
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

A BILL ENTITLED

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; and
6 generally relating to authorization for the Wicomico County Council to refund
7 certain local transfer tax assessed and collected in Wicomico County.

8 Preamble

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

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

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

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

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

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

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

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Wicomico County Council may provide for refunds of the local
7 transfer tax that was enacted under Wicomico County Council Bill No. 2000-5, as
8 authorized by the General Assembly in Chapter 399 of the Acts of 1992, and was
9 assessed and collected during the period from the enactment of the tax on May 31,
10 2000 until termination of the tax after the rejection of the ordinance imposing the tax
11 by voters in a referendum at a November 7, 2000, election.

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