

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL NO. 557

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “date;” insert “requiring the Department of Assessments and Taxation to deduct and credit certain revenues to a certain fund;”; and after line 11, insert:

“BY repealing and reenacting, with amendments,

Article - Tax - Property

Section 12-110(d) and 13-209(a)

Annotated Code of Maryland

(2001 Replacement Volume and 2001 Supplement)”.”.

AMENDMENT NO. 2

On page 1, after line 19, insert:

“12-110.

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

(2) [The] AFTER DEDUCTING THE REVENUES REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE recordation tax collected under [§ 12-103(d)] §§ 12-103(D) AND 12-116 of this title shall be paid to the Comptroller. [After deduction of the cost to the Department of collecting the tax, the] THE Comptroller shall distribute the revenue to the counties in the ratio that the recordation tax collected in the prior fiscal year in each county bears to the total recordation tax collected in all counties in that year.”.

(Over)

AMENDMENT NO. 3

On page 2, in line 8, after “(4)” insert “(I)”; and after line 9, insert:

“(II) “PLAN OF TRANSFER” DOES NOT INCLUDE A SERIES OF SALES OF SHARES OF A PUBLICLY TRADED ENTITY.”.

AMENDMENT NO. 4

On page 2, in line 18, after “COMPANY” insert “, LIMITED LIABILITY PARTNERSHIP”.

AMENDMENT NO. 5

On page 2, after line 27, insert:

“(III) “REAL PROPERTY ENTITY” DOES NOT INCLUDE AN ENTITY WITH LAND HOLDINGS ENTIRELY SUBJECT TO AN AGRICULTURAL USE ASSESSMENT UNDER § 8-209 OF THIS ARTICLE.”.

AMENDMENT NO. 6

On page 2, after line 36, insert:

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

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

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

On page 3, in lines 1, 4, and 9, strike “(II)”, “(III)”, and “(IV)”, respectively, and substitute “(III)”, “(IV)”, and “(V)”, respectively; in line 8, strike “(II)” and substitute “(III)”; and strike beginning with the first “THE” in line 18 down through “IN” in line 20 and substitute “THE TRANSFER OF A CONTROLLING INTEREST IN A REAL PROPERTY ENTITY IS NOT SUBJECT TO RECORDATION TAX IF THE TRANSFER OF THE REAL PROPERTY BY AN INSTRUMENT OF WRITING BETWEEN THE SAME PARTIES AND UNDER THE SAME CIRCUMSTANCES WOULD HAVE BEEN EXEMPT UNDER”.

AMENDMENT NO. 7

On page 3, in line 29, strike the second “A REAL PROPERTY” and substitute “ANOTHER BUSINESS”; and in line 30, strike “REAL PROPERTY” and substitute “BUSINESS”.

AMENDMENT NO. 8

On page 6, after line 17, insert:

“13-209.

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

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