
By: **Delegates Hixson and McIntosh**
Introduced and read first time: January 26, 2004
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Property Tax - Charter Counties - Limits**

3 FOR the purpose of authorizing a county council of a charter county, under certain
4 circumstances, to set a property tax rate that is higher than the rate authorized
5 under the county's charter or collect more property tax revenues than are
6 authorized under the county's charter; requiring a county that exercises the
7 authority granted by this Act to appropriate to the county board all property tax
8 revenues exceeding the amount that would have been authorized if the property
9 tax or revenue limitation in the county charter had been applied; and generally
10 relating to charter county property tax rates and revenues.

11 BY repealing and reenacting, with amendments,
12 Article - Education
13 Section 5-104
14 Annotated Code of Maryland
15 (2001 Replacement Volume and 2003 Supplement)

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

18 **Article - Education**

19 5-104.

20 (a) Each county council or board of county commissioners shall levy and collect
21 a tax on the assessable property of the county which, together with other local
22 revenue available, including income tax revenues and bond money, and together with
23 estimated revenues and funds from all sources, will produce the amounts necessary to
24 meet the appropriations made in the approved annual budget of the county board.

25 (b) (1) Local funds provided for appropriations shall be paid in accordance
26 with the expenditure requirements, as certified by the county board, to the treasurer
27 of the county board on a monthly basis.

1 (2) Appropriations for school construction, permanent improvements,
2 and repairs for special purposes may be required to be paid more frequently on the
3 order of the president and secretary of the county board to the county commissioners,
4 county council, or the county executive.

5 (c) (1) Notwithstanding any other provision in this article, this subsection
6 applies to Wicomico County.

7 (2) The Wicomico County Council annually shall pay to the Wicomico
8 County Board the amount of the budget of the County Board that has been approved
9 by the County Council:

10 (i) In 12 equal monthly installments; or

11 (ii) At the times on which the County Council and County Board
12 mutually agree.

13 (3) Taxes levied under this section shall be retained by the county and
14 any annual deficiencies in the tax are the responsibility of Wicomico County.

15 (D) (1) THIS SUBSECTION APPLIES TO ANY COUNTY THAT HAS A CHARTER
16 THAT PLACES A LIMIT ON ITS PROPERTY TAX RATE OR REVENUES.

17 (2) NOTWITHSTANDING ANY PROVISION OF A COUNTY CHARTER AND
18 SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A COUNTY COUNCIL, BY A
19 TWO-THIRDS VOTE OF THE FULL MEMBERSHIP OF THE COUNCIL, MAY SET A
20 PROPERTY TAX RATE THAT IS HIGHER THAN THE RATE AUTHORIZED UNDER THE
21 COUNTY'S CHARTER OR COLLECT MORE PROPERTY TAX REVENUES THAN THE
22 REVENUES AUTHORIZED UNDER THE COUNTY'S CHARTER FOR THE SOLE PURPOSE
23 OF FUNDING THE APPROVED BUDGET OF THE COUNTY BOARD.

24 (3) IF THE COUNTY COUNCIL SETS A COUNTY PROPERTY TAX RATE THAT
25 IS GREATER THAN THE RATE AUTHORIZED UNDER THE COUNTY'S CHARTER OR
26 COLLECTS MORE PROPERTY TAX REVENUES THAN THE REVENUES AUTHORIZED
27 UNDER THE COUNTY'S CHARTER, THE COUNTY:

28 (I) MAY NOT REDUCE FUNDING PROVIDED TO THE COUNTY BOARD
29 FROM ANY OTHER LOCAL REVENUE SOURCE BELOW THE FUNDING LEVEL IN THE
30 CURRENT COUNTY BUDGET; AND

31 (II) SHALL APPROPRIATE TO THE COUNTY BOARD ALL PROPERTY
32 TAX REVENUES EXCEEDING THE AMOUNT THAT WOULD HAVE BEEN AVAILABLE IF
33 THE COUNTY CHARTER LIMITATION HAD APPLIED.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 July 1, 2004.