

# HOUSE BILL 402

Q8

8lr2148

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By: **St. Mary's County Delegation**

Introduced and read first time: January 28, 2008

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **St. Mary's County - Transfer Tax - Termination Provision**

3 FOR the purpose of extending to a certain date the termination provision relating to  
4 the authority of the County Commissioners of St. Mary's County to impose a  
5 real property transfer tax; and generally relating to the authority for the  
6 County Commissioners of St. Mary's County to impose a transfer tax.

7 BY repealing and reenacting, with amendments,  
8 The Public Local Laws of St. Mary's County  
9 Section 138-1  
10 Article 19 - Public Local Laws of Maryland  
11 (2007 Edition, as amended)

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

14 **Article 19 - St. Mary's County**

15 138-1.

16 A. (1) In this section "instrument of writing" means a written instrument  
17 that conveys title to, or a leasehold interest in, real property.

18 (2) "Instrument of writing" includes:

19 (a) A deed or contract;

20 (b) A lease;

21 (c) An assignment of a lessee's interest;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d) Articles of transfer;

2 (e) Articles of merger or other document which evidences a  
3 merger of foreign corporations or foreign limited partnerships; and

4 (f) Articles of consolidation or other document which evidences  
5 a consolidation of foreign corporations.

6 (3) "Instrument of writing" does not include:

7 (a) A mortgage, deed of trust, or other contract that creates an  
8 encumbrance on real property; or

9 (b) A security agreement, as defined in § 12-101(e) of the  
10 Tax – Property Article of the Annotated Code of Maryland.

11 B. The County Commissioners may impose a transfer tax on an instrument  
12 of writing:

13 (1) Recorded with the Clerk of the Circuit Court for St. Mary's County;  
14 or

15 (2) Filed with the State Department of Assessments and Taxation.

16 C. A transfer tax under this section:

17 (1) Shall be established by ordinance;

18 (2) May not exceed one (1) percent; and

19 (3) Does not apply to:

20 (a) An instrument of writing exempt from the State transfer tax  
21 under § 13-207 of the Tax – Property Article of the Annotated Code of Maryland; or

22 (b) A transfer of land subject to the agricultural land transfer  
23 tax under Title 13, Subtitle 3 of the Tax – Property Article of the Annotated Code of  
24 Maryland.

25 D. (1) The proceeds from the transfer tax may only be used to pay for  
26 capital projects.

27 (2) The County Commissioners shall state in the county budget each  
28 year:

29 (a) An estimate of the revenue to be received from the transfer  
30 tax for both the current and the ensuing fiscal years;

1 (b) The revenue received from the transfer tax during the  
2 previous fiscal year; and

3 (c) The capital projects for which the County Commissioners  
4 anticipate the proceeds from the transfer tax will be used.

5 E. Before the county imposes a transfer tax under this section, the County  
6 Commissioners shall hold a public hearing that:

7 (1) Shall be advertised by publication in a newspaper of general  
8 circulation in the county at least ten (10) days before the hearing; and

9 (2) May not be part of the annual budget hearing.

10 F. The authority granted to impose a transfer tax under this section shall  
11 terminate and be of no effect after [July 1, 2010] **JULY 1, 2020**.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 July 1, 2008.