

# SENATE BILL 120

Q7

3lr1278  
CF 3lr1531

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By: **Senator Kasemeyer**

Introduced and read first time: January 15, 2013

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Interest Rate on Tax Deficiencies and Refunds**

3 FOR the purpose of altering the calculation of the interest rate on tax deficiencies and  
4 refunds to 2 percentage points above a certain underpayment rate established  
5 under the Internal Revenue Code; providing that the interest rate may not be  
6 less than a certain rate for certain years; repealing a requirement that the  
7 Comptroller annually set the interest rate; providing for a delayed effective  
8 date; and generally relating to the annual interest rate on tax deficiencies and  
9 refunds.

10 BY repealing and reenacting, with amendments,  
11 Article – Tax – General  
12 Section 13–604  
13 Annotated Code of Maryland  
14 (2010 Replacement Volume and 2012 Supplement)

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

17 **Article – Tax – General**

18 13–604.

19 (a) **[The] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE** rate of  
20 interest for each month or fraction of a month **[is the percent equal to one–twelfth of**  
21 **the annual interest rate that the Comptroller sets for the calendar year under**  
22 **subsection (b) of this section] FOR INTEREST ON REFUNDS AND MONEY OWED TO**  
23 **THE STATE IS 2 PERCENTAGE POINTS ABOVE THE APPLICABLE FEDERAL**  
24 **UNDERPAYMENT RATE UNDER § 6621(A)(2) OF THE INTERNAL REVENUE CODE**  
25 **THAT IS IN EFFECT FOR THAT MONTH.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **[(b)** On or before October 1 of each year, the Comptroller shall set the annual  
2 interest rate for the next calendar year on refunds and moneys owed to the State as  
3 the percent, rounded to the nearest whole number, that is at the percent that equals  
4 the greater of:

5                   (1)    13%; or

6                   (2)    3 percentage points above the average prime rate of interest  
7 quoted by commercial banks to large businesses during the State's previous fiscal  
8 year, based on determination by the Board of Governors of the Federal Reserve Bank.]

9           **(B) (1) THE INTEREST RATE UNDER SUBSECTION (A) OF THIS**  
10 **SECTION SHALL BE AT LEAST ONE-TWELFTH OF:**

11                           **(I)    13% FOR 2014;**

12                           **(II)  11% FOR 2015;**

13                           **(III) 9% FOR 2016; AND**

14                           **(IV) 7% FOR 2017.**

15                   **(2)  FOR EACH YEAR AFTER 2017, THE INTEREST RATE UNDER**  
16 **THIS SECTION IS THE INTEREST RATE DETERMINED UNDER SUBSECTION (A) OF**  
17 **THIS SECTION.**

18           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 January 1, 2014.