

SB0114/433326/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 114  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Constant Yield Tax Rate**” and substitute “**Real Property Tax Rate Increases**”; in line 5, after “rate” insert “and requiring instead certain notice when a county or municipal corporation intends to increase its real property tax rate”; strike beginning with the second “the” in line 5 down through “rate” in line 6 and substitute “county and municipal corporation property tax rates”; and in line 9, after “Section” insert “2–205 and”.

AMENDMENT NO. 2

On pages 1 and 2, strike beginning with “constant” in line 21 on page 1 down through “roll” in line 2 on page 2 and substitute “**CURRENT TAXABLE YEAR’S REAL PROPERTY TAX RATE**”.

On page 2, strike beginning with the colon in line 4 down through “mailing” in line 8 and substitute “**EVIDENCE**”; in line 10, strike “set a” and substitute “**INCREASE THE**”; in line 11, strike “that exceeds the constant yield tax rate”; strike beginning with “an” in line 13 down through “section” in line 14 and substitute “**A PUBLIC NOTICE**”; in line 15, strike “or” and substitute “**AND**”; strike beginning with “mailing” in line 16 down through “jurisdiction” in line 17 and substitute:

**“(I) PUBLISHING A COPY OF THE NOTICE ON THE WEBSITE OF THE TAXING AUTHORITY; OR**

**“(II) IF THE TAXING AUTHORITY DOES NOT HAVE A WEBSITE, POSTING A COPY OF THE NOTICE IN A PLACE THAT IS EASILY ACCESSIBLE TO THE PUBLIC”;**

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strike beginning with “(1)” in line 18 down through “**(1)**” in line 29; in line 30, after “CURRENT” insert “**TAXABLE YEAR’S REAL PROPERTY**”; and strike beginning with “or” in line 30 down through “advertisement” in line 31.

On page 3, in line 1, after “TAX” insert “**RATE**”; and strike in their entirety lines 3 through 16, inclusive, and substitute:

**“FOR THE TAXABLE YEAR BEGINNING JULY 1,....., THE ..... (NAME OF TAXING AUTHORITY) OF ..... (NAME OF JURISDICTION) PROPOSES TO INCREASE REAL PROPERTY TAX RATES FROM \$..... PER \$100 OF ASSESSMENT TO \$..... PER \$100 OF ASSESSMENT.”.**

On pages 3 and 4, strike in their entirety the lines beginning with line 21 on page 3 through line 11 on page 4, inclusive.

On page 4, in lines 12 and 22, strike “(f)” and “(g)”, respectively, and substitute “**(E)**” and “**(F)**”, respectively; in lines 13, 22, and 26, strike the brackets; in line 23, strike “A”; strike beginning with “that” in line 23 down through “rate” in line 24; and in line 27, strike “TAX RATE”.

On pages 4 and 5, strike in their entirety the lines beginning with line 28 on page 4 through line 22 on page 5, inclusive.

On page 5, in line 23, strike “(j)” and substitute “**(G)**”; in line 24, strike “of subsections (b) through (g)”; in line 28, strike “constant yield”; in the same line, after the second “rate” insert “**FOR THE CURRENT TAXABLE YEAR**”; and after line 28, insert:

**“(H) (1) THE DIRECTOR SHALL REPORT TO THE ATTORNEY GENERAL ANY TAXING AUTHORITY THAT APPEARS TO HAVE VIOLATED THE REQUIREMENTS OF THIS SECTION.**

**(2) (I) THE ATTORNEY GENERAL SHALL INVESTIGATE THE REPORT FORWARDED BY THE DIRECTOR.**

**(II) IF THE ATTORNEY GENERAL FINDS THAT A TAXING AUTHORITY VIOLATED THE REQUIREMENTS OF THIS SECTION, THE ATTORNEY GENERAL SHALL INSTITUTE APPROPRIATE LEGAL ACTION TO EFFECT COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION.**

**(3) IF A COURT FINDS THAT A TAXING AUTHORITY VIOLATED THIS SECTION, THE REAL PROPERTY TAX RATE OF THAT TAXING AUTHORITY SHALL BE THE SAME AS THE TAX RATE FOR THE CURRENT TAXABLE YEAR.”.**

AMENDMENT NO. 3

On page 1, after line 14, insert:

“2-205.

(a) In this section, “taxing authority” means:

- (1) the county council or board of county commissioners of a county;
- (2) the City Council of Baltimore City; and
- (3) the governing body of a municipal corporation.

(b) (1) On or before February 14 of each year, the Department shall send each taxing authority:

(i) an estimate of the total assessment of all real property in the county or municipal corporation for the next taxable year; and

(ii) an estimate of the total assessment:

1. of all new construction and improvements in the county or municipal corporation not assessed since the last date of finality; and

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2. of all real property in the county or municipal corporation that may be deleted from the assessment records.

(2) The Department shall notify each taxing authority of any change in the estimated assessment of all real property in the county or the municipal corporation that results from actions of a property tax assessment appeal board or the Maryland Tax Court.

(c) (1) The Department shall notify each taxing authority of the constant yield tax rate that will provide the same property tax revenue that is provided by the real property tax rate that is in effect for the current taxable year.

(2) In calculating a constant yield tax rate for a taxable year, the Department shall use an estimate of the total assessment of all real property for the next taxable year exclusive of real property that appears for the 1st time on the assessment records.

(3) (i) The Department may amend a constant yield tax rate only as provided in this paragraph.

(ii) On or before April 15 each year, the Department may amend a constant yield tax rate when a county or municipal corporation alters the homestead tax credit percentage under § 9-105 of this article.

(iii) On or before May 15 each year, the Department may amend a constant yield tax rate:

1. when directed to make a change by an enactment of the General Assembly;

2. to correct an error in the calculation of the constant yield tax rate; or

3. to reflect a significant loss of taxable base, as determined by the Director.

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[(d) The Director shall exempt a municipal corporation from the constant yield tax rate provisions of § 6–308 of this article if a difference of less than \$25,000 exists between:

(1) the property tax revenue that is provided by applying the municipal corporation real property tax rate for the preceding taxable year to the estimated assessment of all real property in the municipal corporation; and

(2) the property tax revenue that is provided by applying the constant yield tax rate for the next taxable year to the estimated assessment of all real property in the municipal corporation.

(e) (1) The Director shall report to the Attorney General any taxing authority that appears to have violated the requirements of § 6–308 of this article.

(2) The Attorney General shall investigate the report forwarded by the Director. If the Attorney General finds that a taxing authority violated the requirements of § 6–308 of this article, the Attorney General shall institute appropriate legal action to effect compliance with the requirements of § 6–308 of this article.

(3) If a court finds that a taxing authority violated § 6–308 of this article, the real property tax rate of that taxing authority shall be the constant yield tax rate.

(f) A taxing authority that does not exceed the constant yield tax rate shall notify the Department within the time set by the Director.】”.