

ment), title "Revenue and Taxes," subtitle "State Property Transfer Tax," to make the State property transfer tax applicable to the entire consideration paid or payable for the conveyance of title.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section ~~287A~~ 278A of Article 81 of the Annotated Code of Maryland (1970 Supplement), title "Revenue and Taxes," subtitle "State Property Transfer Tax," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

~~287A.~~ 278A.

In order to pay the principal and interest on the certificates of indebtedness issued pursuant to the "Outdoor Recreation Land Loan of 1969," or "Program Open Space";

(a) A tax is hereby imposed upon every written instrument conveying title to real property, or a leasehold interest therein, offered for record and recorded among the land records in the State, but conveyances by or to the United States, the State, or any political subdivision of the State, or any agency or instrumentality thereof, shall not be subject to the tax imposed by this section. The term "written instrument" includes leases for a term of years above seven years, not perpetually renewable but does not include any mortgage, deed of trust, conditional sales contract, or any other device the purpose of which is to afford a security in real property rather than convey title thereto.

(b) The tax imposed by this section shall be levied at the rate of one half of one percent (0.5%) of the actual consideration paid *or to be paid* for the conveyance of title and shall be collected by the clerks of the circuit courts of the counties or the clerk of the Superior Court of Baltimore City.

(c) In the case of the creation of or a transfer of a perpetually renewable ground rent, the tax shall be based upon the capitalization at 6 percent of the annual ground rent, plus the actual consideration, other than the capitalization of the ground rent, paid or to be paid.

(d)(1) In the case of a lease for a term of years, not perpetually renewable, the tax shall be based upon the capitalization at 10% of the average annual rental over the entire term of the lease, including any renewable term, plus the actual consideration, other than rent, paid or to be paid. Where the average annual rental cannot be determined, the tax shall be based upon either ~~(1)~~ (i) the minimum average annual rental ascertainable from the terms of the lease plus 5% thereof, the whole to be capitalized at 10%, plus the actual consideration, other than rent, paid or to be paid, or (ii) the assessed value of the property covered by the lease multiplied by one and one half, whichever is the greater. The provisions of this section shall not apply to leases of personal property.

(2) No attornment agreement, memorandum of lease, assignment of lease or other instrument (referred to collectively herein as "other instrument") intended to publicize or giving or intended to give constructive notice of the existence of a lease which has not been recorded but which, if recorded, would be taxable hereunder, whether or not such other instrument gives such constructive notice in point of law, shall be received for recording until the original