

YEARS, THE FUNDS HAVE NOT BEEN EXPENDED OR COMMITTED BY A SUBDIVISION, THEY SHALL BE PAID TO THE COMPTROLLER OF THE TREASURY WHO SHALL PLACE THE FUNDS IN THE MARYLAND AGRICULTURAL PRESERVATION FUND. HOWEVER, OVER A 5-YEAR PERIOD, ANY SUBDIVISION SHALL BE ALLOCATED IN THE AGGREGATE THE FUNDS IT WOULD HAVE BEEN ENTITLED TO RECEIVE IF ABLE TO UTILIZE THEM. DESPITE THE PROVISIONS OF THIS SECTION, 50 PERCENT OF THE AMOUNT RETAINED BY MONTGOMERY COUNTY SHALL BE HELD IN A SPECIAL FUND ACCOUNT AND DEEMED AND USED AS THE STATE MATCHING SHARE FOR AGRICULTURAL LAND PRESERVATION.

~~(J)--A--SUBDIVISION--OF--THE--STATE--MAY--NOT--IMPOSE--A--LOCAL--TRANSFER--TAX--UPON--THE--TRANSFER--OF--AGRICULTURAL--LAND--SUBJECT--TO--THIS--SECTION--AT--A--RATE--THAT--IS--GREATER--THAN--THE--LOCAL--TRANSFER--TAX--IMPOSED--ON--IMPROVED--RESIDENTIAL--PROPERTY--IN--THAT--SUBDIVISION--~~

(J) A COUNTY MAY NOT IMPOSE A LOCAL TRANSFER TAX ON THE TRANSFER OF LAND SUBJECT TO THE PROVISIONS OF THIS SECTION AT A RATE THAT IS GREATER THAN THE LOCAL TRANSFER TAX RATE APPLICABLE TO IMPROVED RESIDENTIAL PROPERTY IN THAT COUNTY, UNLESS THE GREATER TAX WAS LEVIED BEFORE JULY 1, 1979. A COUNTY MAY NOT IMPOSE A LOCAL TRANSFER TAX AT A RATE, OR INCREASE A LOCAL TRANSFER TAX TO A RATE, ABOVE THE RATE IMPOSED AS OF JULY 1, 1979 ON ANY LAND SUBJECT TO THE PROVISIONS OF THIS SECTION. FURTHERMORE, IN ANY COUNTY THAT HAS IMPOSED A TRANSFER TAX AT A RATE IN EXCESS OF THE RATE OF THE TRANSFER TAX LEVIED ON IMPROVED RESIDENTIAL PROPERTY, THE COMBINATION OF THE STATE AND LOCAL TRANSFER TAX RATES MAY NOT EXCEED 5 PERCENT PLUS THE RATE APPLICABLE TO IMPROVED RESIDENTIAL PROPERTY. IF THE COMBINED RATES EXCEED THE MAXIMUM ALLOWABLE RATE, THE TAX IMPOSED BY THIS SECTION SHALL BE COLLECTED IN FULL, AND THE LOCAL TAX SHALL BE REDUCED AS REQUIRED.

(K) ON THE EXECUTION OF A CONTRACT FOR THE TRANSFER OF ANY INTEREST IN LAND WHICH WILL BE SUBJECT TO THE TAX IMPOSED BY THIS SECTION, THE SELLER SHALL NOTIFY THE BUYER IN WRITING THAT THE LAND BEING TRANSFERRED MAY BE SUBJECT TO THE AGRICULTURAL TRANSFER TAX. IF THE SELLER FAILS TO NOTIFY THE BUYER, THE SELLER IS LIABLE TO THE BUYER FOR THE AMOUNT OF THE TAX PAID BY THE BUYER.

(L) THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

(M) THE TAX IMPOSED BY THIS SECTION IS IN ADDITION TO ANY OTHER TRANSFER TAX IMPOSED BY THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1981.

Approved May 19, 1981.

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