

2-PERCENTAGE-POINTS-ABOVE-THE--LESSER--OF AT THE PERCENT THAT EQUALS:

(1) FOR MONEYS OWED TO THE STATE, 2 PERCENTAGE POINTS ABOVE THE AVERAGE PRIME RATE OF INTEREST QUOTED BY COMMERCIAL BANKS TO LARGE BUSINESSES DURING THE STATE'S PREVIOUS FISCAL YEAR, BASED ON DETERMINATION BY THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE BANK, BUT NOT LESS THAN 12 PERCENT; AND

(2) FOR REFUNDS, 2 PERCENTAGE POINTS ABOVE THE AVERAGE INVESTMENT YIELD ON STATE FUNDS FOR THE STATE'S PREVIOUS FISCAL YEAR, AS PUBLISHED IN THE TREASURER'S ANNUAL REPORT.

218.

All claims for the refund of special taxes, fees, charges, penalties or interest which may be allowed under the provisions of this subtitle shall, if no appeal is pending, be paid by the State, county or municipal agency authorized to collect the same out of any funds in the hands of such agency. Interest at the rate [of six percent per annum] DETERMINED UNDER § 204 OF THIS ARTICLE shall be paid on such amounts refunded accounting from the date the taxes, fees, charges, penalties or interest so refunded were paid, but interest shall not be paid on tax refunds now pending or subsequently filed where the tax originally paid was paid in whole or in part by reason of a mistake or error on the part of the taxpayer and not attributable to the State, county or municipal taxing authority. If any portion of the special taxes, fees, charges, penalties or interest for which a refund is allowed were paid to any county or municipality by the State, the collecting State agency shall charge a proportionate part of the refund and interest against such county or municipality and deduct the same from subsequent payments of the shares of such special taxes, fees, charges, penalties or interest to such county or municipality. If no funds are available for the payment of such part of such allowed claim for refund and interest as is payable by the State, the collecting agency shall certify the same to the Comptroller, who shall certify the same to the Governor for inclusion in the next budget. Provided, that nothing in this section shall apply to refunds of sales and use taxes, cigarette taxes, income taxes, motor vehicle fuel taxes, fees and taxes payable to the Motor Vehicle Administration, fees and taxes pertaining to alcoholic beverages and other State fees and taxes as to which refund provisions are elsewhere specifically provided.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1987.

Approved June 2, 1987.