

HOUSE BILL 642

Q2

CONSTITUTIONAL AMENDMENT

9lr0522

By: **Montgomery County Delegation**

Introduced and read first time: February 6, 2019

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Uniformity of Property Tax Assessments – Use of**
3 **Pesticides by Country Clubs and Golf Courses**

4 **MC 11–19**

5 FOR the purpose of proposing an amendment to the Maryland Constitution to provide that
6 a certain provision of the Constitution requiring uniformity of assessments of certain
7 property for property tax purposes does not apply to country clubs or golf courses in
8 Montgomery County under certain circumstances; submitting this amendment to
9 the qualified voters of the State for their adoption or rejection; requiring a country
10 club or golf course in Montgomery County to comply with certain pesticide laws in
11 Montgomery County to be eligible for a special use assessment for property tax
12 purposes; providing that certain agreements relating to the property tax assessment
13 of country clubs or golf courses in Montgomery County are null and void by a certain
14 date under certain circumstances; providing for the effective dates and the
15 application of this Act; providing for the termination of certain provisions of this Act
16 under certain circumstances; making certain technical corrections; and generally
17 relating to the property tax assessment of country clubs and golf courses in
18 Montgomery County.

19 BY proposing an amendment to the Maryland Constitution
20 Declaration of Rights
21 Article 15

22 BY repealing and reenacting, with amendments,
23 Article – Tax – Property
24 Section 8–212
25 Annotated Code of Maryland
26 (2012 Replacement Volume and 2018 Supplement)

27 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Tax – Property
 2 Section 8–213
 3 Annotated Code of Maryland
 4 (2012 Replacement Volume and 2018 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 6 (Three–fifths of all the members elected to each of the two Houses concurring), That it be
 7 proposed that the Maryland Constitution read as follows:

8 **Declaration of Rights**

9 Article 15.

10 (A) That the levying of taxes by the poll is grievous and oppressive and ought to
 11 be prohibited; that paupers ought not to be assessed for the support of the government; that
 12 the General Assembly shall, by uniform rules, provide for the separate assessment,
 13 classification and [sub–classification] **SUBCLASSIFICATION** of land, improvements on
 14 land and personal property, as it may deem proper; and all taxes thereafter provided to be
 15 levied by the State for the support of the general State Government, and by the Counties
 16 and by the City of Baltimore for their respective purposes, shall be uniform within each
 17 class or [sub–class] **SUBCLASS** of land, improvements on land and personal property which
 18 the respective taxing powers may have directed to be subjected to the tax levy; yet fines,
 19 duties or taxes may properly and justly be imposed, or laid with a political view for the good
 20 government and benefit of the community.

21 (B) **NOTWITHSTANDING THE UNIFORM RULES REQUIREMENT IN**
 22 **SUBSECTION (A) OF THIS SECTION, THE GENERAL ASSEMBLY MAY REQUIRE A GOLF**
 23 **COURSE OR COUNTRY CLUB IN MONTGOMERY COUNTY TO COMPLY WITH LOCAL**
 24 **PESTICIDE LAWS IN MONTGOMERY COUNTY TO BE ELIGIBLE FOR A SPECIAL USE**
 25 **ASSESSMENT.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 27 as follows:

28 **Article – Tax – Property**

29 8–212.

30 (a) **[A] SUBJECT TO SUBSECTION (C) OF THIS SECTION,** A golf course that is
 31 open to the public is eligible to be assessed under §§ 8–213 through 8–218 of this subtitle if
 32 it is located on at least 50 acres of land on which is maintained a regular or championship
 33 golf course of at least 9 holes.

34 (b) **[A] SUBJECT TO SUBSECTION (C) OF THIS SECTION,** A country club is
 35 eligible to be assessed under §§ 8–213 through 8–218 of this subtitle if it:

1 (1) has at least 100 members, who pay dues averaging \$50 or more
2 annually for each member;

3 (2) restricts use of its facilities primarily to members, families, and guests;
4 and

5 (3) is located on at least 50 acres of land, on which is maintained:

6 (i) a regular or championship golf course of at least 9 holes; and

7 (ii) a clubhouse.

8 (C) **A GOLF COURSE OR COUNTRY CLUB IN MONTGOMERY COUNTY THAT IS**
9 **ELIGIBLE TO BE ASSESSED UNDER §§ 8-213 THROUGH 8-218 OF THIS SUBTITLE MAY**
10 **BE ASSESSED UNDER §§ 8-213 THROUGH 8-218 OF THIS SUBTITLE ONLY IF THE**
11 **GOLF COURSE OR COUNTRY CLUB COMPLIES WITH THE REQUIREMENTS UNDER**
12 **CHAPTER 33B OF THE MONTGOMERY COUNTY CODE FOR THE APPLICATION OF**
13 **PESTICIDES ON PRIVATE LAWNS.**

14 8-213.

15 (a) In this section, “agreement” means an agreement made under subsection (b)
16 of this section.

17 (b) The Department may make agreements with country clubs and golf courses
18 that specify the manner of assessing the land of a country club or golf course. All
19 agreements shall contain uniform provisions.

20 (c) (1) Except as provided in paragraph (2) of this subsection, the land of a
21 country club or golf course that is actively used as a country club or golf course that meets
22 the requirements of § 8-212 of this subtitle shall be valued at rates equivalent to land
23 assessed under § 8-219 of this subtitle.

24 (2) If the land of a country club or golf course that meets the requirements
25 of § 8-212 of this subtitle has a greater market value than its value when used as a country
26 club or golf course, the land shall also be assessed on the basis of the greater value.

27 (3) Except as provided under § 8-216 of this subtitle, the property tax
28 payable by a country club or golf course under this section is based on the assessment of
29 the land under paragraph (1) of this subsection.

30 (4) If an assessment is made on the greater value under paragraph (2) of
31 this subsection, the assessment records for the country club or golf course shall record the
32 assessment under paragraphs (1) and (2) of this subsection.

1 (5) Any assessment of the land of a country club or golf course under this
2 section is effective on the date of finality next following the date of an agreement.

3 (d) (1) An agreement shall be for at least 10 consecutive years or for a longer
4 period as determined by the country club or golf course and the Department.

5 (2) An agreement may be extended, but only in increments of at least 5
6 years.

7 SECTION 3. AND BE IT FURTHER ENACTED, That, if a golf course or country
8 club in Montgomery County is ineligible for the special use assessment under § 8–212(c) of
9 the Tax – Property Article, any agreement between the golf course or country club and the
10 State Department of Assessments and Taxation under § 8–213(b) of the Tax – Property
11 Article that was entered into before the effective date of Section 2 of this Act is null and
12 void on the expiration of the term of the agreement or June 30, 2031, whichever is earlier.

13 SECTION 4. AND BE IT FURTHER ENACTED, That the General Assembly
14 determines that the amendment to the Maryland Constitution proposed by Section 1 of this
15 Act affects only one county and that the provisions of Article XIV, § 1 of the Maryland
16 Constitution concerning local approval of constitutional amendments apply.

17 SECTION 5. AND BE IT FURTHER ENACTED, That the amendment to the
18 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
19 voters of the State at the next general election to be held in November 2020 for adoption or
20 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,
21 the vote on the proposed amendment to the Constitution shall be by ballot, and on each
22 ballot there shall be printed the words “For the Constitutional Amendment” and “Against
23 the Constitutional Amendment”, as now provided by law. Immediately after the election,
24 all returns shall be made to the Governor of the vote for and against the proposed
25 amendment, as directed by Article XIV of the Maryland Constitution, and further
26 proceedings had in accordance with Article XIV.

27 SECTION 6. AND BE IT FURTHER ENACTED, That Sections 2 and 3 of this Act
28 shall take effect on the taking effect of Section 1 of this Act, and shall be applicable to all
29 taxable years beginning after June 30, 2021. If Section 1 of this Act does not take effect,
30 Sections 2 and 3 of this Act shall be abrogated and of no further force and effect.

31 SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in
32 Sections 4, 5, and 6 of this Act, this Act shall take effect June 1, 2019.