

HOUSE BILL 651

Q2

CONSTITUTIONAL AMENDMENT

9lr0578

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 – Country Clubs and Golf Courses – Rate of Assessment**
3 **and Term of Agreements**

4 **MC 27–19**

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; altering the rate at
10 which the land of certain country clubs or golf courses in Montgomery County is
11 assessed for property tax purposes; establishing a certain maximum term for certain
12 agreements between the State Department of Assessments and Taxation and certain
13 country clubs or golf courses in Montgomery County; providing for the effective dates
14 and the application of this Act; providing for the termination of certain provisions of
15 this Act under certain circumstances; making certain technical corrections; and
16 generally relating to the property tax assessment of country clubs and golf courses
17 in Montgomery County.

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

21 BY repealing and reenacting, without amendments,
22 Article – Tax – Property
23 Section 8–212
24 Annotated Code of Maryland
25 (2012 Replacement Volume and 2018 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Tax – Property

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

7 **Declaration of Rights**

8 Article 15.

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

20 (B) **NOTWITHSTANDING THE UNIFORM RULES REQUIREMENT IN**
21 **SUBSECTION (A) OF THIS SECTION, THE GENERAL ASSEMBLY MAY AUTHORIZE A**
22 **SEPARATE RATE AT WHICH THE LAND OF A GOLF COURSE OR COUNTRY CLUB IN**
23 **MONTGOMERY COUNTY IS ASSESSED.**

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

26 **Article – Tax – Property**

27 8–212.

28 (a) A golf course that is open to the public is eligible to be assessed under §§
29 8–213 through 8–218 of this subtitle if it is located on at least 50 acres of land on which is
30 maintained a regular or championship golf course of at least 9 holes.

31 (b) A country club is eligible to be assessed under §§ 8–213 through 8–218 of this
32 subtitle if it:

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

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

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

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

5 (ii) a clubhouse.

6 8–213.

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

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

12 (c) (1) Except as provided in paragraph (2) of this subsection, the land of a
13 country club or golf course that is actively used as a country club or golf course that meets
14 the requirements of § 8–212 of this subtitle:

15 (I) shall be valued at rates equivalent to land assessed under §
16 8–219 of this subtitle; OR

17 (II) IN MONTGOMERY COUNTY, SHALL BE ASSESSED AT:

18 1. \$1,000 PER ACRE FOR THE FIRST \$500,000 OF
19 MARKET VALUE; AND

20 2. MARKET RATE FOR ANY AMOUNT EXCEEDING
21 \$500,000 OF MARKET VALUE.

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

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

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

31 (5) Any assessment of the land of a country club or golf course under this

1 section is effective on the date of finality next following the date of an agreement.

2 (d) (1) [An] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
3 **SUBSECTION, AN agreement:**

4 (I) shall be for at least 10 consecutive years or for a longer period as
5 determined by the country club or golf course and the Department[.]; **AND**

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

8 **(2) IN MONTGOMERY COUNTY, AN AGREEMENT MAY NOT EXCEED 5**
9 **CONSECUTIVE YEARS AND MAY BE EXTENDED ONLY IN INCREMENTS OF NOT MORE**
10 **THAN 5 YEARS.**

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act applies to any
12 agreement under § 8–213(b) of the Tax – Property Article, as enacted by this Act, between
13 the State Department of Assessments and Taxation and any golf course or country club in
14 Montgomery County:

15 (1) that was entered into on or after the effective date of Section 2 of this
16 Act; and

17 (2) that was entered into before the effective date of Section 2 of this Act,
18 at the expiration of the term of the agreement or June 30, 2031, whichever is earlier.

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

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

33 SECTION 6. AND BE IT FURTHER ENACTED, That Sections 2 and 3 of this Act
34 shall take effect on the taking effect of Section 1 of this Act. If Section 1 of this Act does not
35 take effect, Sections 2 and 3 of this Act shall be abrogated and of no further force and effect.

1 SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in
2 Sections 5 and 6 of this Act, this Act shall take effect June 1, 2020, and shall be applicable
3 to all taxable years beginning after June 30, 2021.