

BY: Commerce and Government Matters Committee

AMENDMENTS TO HOUSE BILL NO. 534

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Rudolph” and substitute “Rudolph, and Benson”.

AMENDMENT NO. 2

On page 1, in line 3, strike “designating a certain” and substitute “altering the”; in line 4, after “community” insert “reflecting a qualifying area”; in the same line, after “can” insert “seek to”; strike beginning with “altering” in line 4 down through “process;” in line 5; strike beginning with “repealing” in line 9 down through “circumstances” in line 13 and substitute “authorizing a county governing body to appoint one or more appointed officials to represent the county as liaisons with the community’s organizing committee”; in line 13, strike “community to hold” and substitute “committee to take certain actions, including holding”; in line 14, strike “governing body”; in line 15, strike “community” and substitute “committee”; in the same line, after “information;” insert “authorizing a county governing body to reject a referendum request in accordance with specified procedures;”; strike beginning with “requiring” in line 15 down through “issues;” in line 16; in line 17, strike “newly incorporated municipality” and substitute “new municipal corporation”; and in line 18, after “circumstances;” insert “authorizing a county to withhold certain payments under certain circumstances; specifying a schedule for phasing in a new municipal corporation’s share of local income tax under specified circumstances; requiring a county and new municipal corporation to cooperate in developing an initial comprehensive land use plan for the municipal corporation under certain circumstances; maintaining certain zoning classifications for a certain period under certain circumstances;”.

On page 2, in line 2, strike “and 24” and substitute “24, and 29”.

AMENDMENT NO. 3

On page 2, after line 12, insert:

(Over)

“(3) ‘ORGANIZING COMMITTEE’ MEANS THE GROUP OF INDIVIDUALS FROM THE COUNTY AND THE ORGANIZING COMMUNITY THAT IS RESPONSIBLE FOR WORKING WITH THE COUNTY GOVERNING BODY ON THE PROPOSED MUNICIPAL INCORPORATION AFTER A PETITION FOR INCORPORATION IS VERIFIED.”;

in line 13, strike “(3)” and substitute “(4)”; in lines 13 and 30, in each instance, strike “PERSONS” and substitute “INDIVIDUALS”; and in lines 17, 18, and 23, in each instance, strike “persons” and substitute “INDIVIDUALS”.

On page 5, in lines 4 and 35, in each instance, strike “COMMUNITY” and substitute “COMMITTEE”.

On page 6, in lines 3 and 9, in each instance, strike “COMMUNITY,” and substitute “COMMITTEE,”.

#### AMENDMENT NO. 4

On page 2, in line 23, strike “5%” and substitute “20%”; in line 25, strike “10%” and substitute “25%”; and in line 30, strike “10%” and substitute “25%”.

On page 3, in line 8, strike the second “AND”; in line 11, after “STATE” insert “; AND (4) STATE THE NAMES OF THE INDIVIDUALS WHO WILL INITIALLY REPRESENT THE ORGANIZING COMMUNITY ON THE ORGANIZING COMMITTEE”;

in line 24, strike “30” and substitute “60”; in line 25, strike “SHALL”; in line 26, before “VERIFY” insert “SHALL”; in line 30, before “VERIFY” insert “SHALL”; in line 34, after “SECTION,” insert “MAY”; strike beginning with “AT” in line 35 down through “BODY,” in line 36 and substitute “ONE OR MORE APPOINTED COUNTY OFFICIALS”; and in line 37, strike “GOVERNING BODY IN NEGOTIATIONS WITH THE ORGANIZING COMMUNITY” and substitute “GOVERNMENT AS LIAISONS WITH THE ORGANIZING COMMITTEE”.

#### AMENDMENT NO. 5

On page 5, strike beginning with “AND” in line 3 down through “BODY” in line 4; in line 6, strike “GOVERNING BODY” and substitute “GOVERNMENT”; in lines 9 and 10, strike “SUMMARY OF ITS POSITIONS” and substitute “REPORT”; in line 12, strike “GOVERNING BODY” and substitute “GOVERNMENT”; strike beginning with “INSURE” in line 12 down through “SERVICES” in line 15 and substitute “COOPERATE FULLY WITH THE ORGANIZING”.

COMMITTEE"; in line 16, strike "SUMMARY" and substitute "REPORT"; in line 17, after "SECTION," insert "A DESIGNEE OF"; strike beginning with "DEVELOP" in line 17 down through "INCORPORATION" in line 19 and substitute "REVIEW THE REPORT AND PROVIDE WRITTEN COMMENTS TO THE ORGANIZING COMMITTEE ON ISSUES RELATING TO THE PROPOSED INCORPORATION"; strike in their entirety lines 20 through 28, inclusive; in line 34, strike "30" and substitute "45"; and in lines 34 and 35, strike "COUNTY GOVERNING BODY'S POSITION SUMMARY" and substitute "WRITTEN COMMENTS SUBMITTED TO THE ORGANIZING COMMITTEE UNDER § 22(B) OF THIS ARTICLE".

On page 6, in line 4, strike "SHALL" and substitute "MAY"; in line 7, strike "REQUIRED" and substitute "DESCRIBED"; after line 10, insert:

"(C)(1) IF THE COUNTY GOVERNING BODY REJECTS THE REFERENDUM REQUEST, THE COUNTY GOVERNING BODY SHALL PROVIDE IN WRITING AND MAKE AVAILABLE TO THE GENERAL PUBLIC THE REASONS FOR REJECTING THE REFERENDUM REQUEST.

(2) THE COUNTY GOVERNING BODY SHALL ESTABLISH REASONABLE PROCEDURES BY WHICH A RECONSIDERATION OF A REJECTION OF A REFERENDUM REQUEST CAN BE UNDERTAKEN, INCLUDING AN OPPORTUNITY FOR A PUBLIC HEARING WITH SUFFICIENT ADVANCE PUBLIC NOTICE.

(3) ON COMPLETION OF THE HEARING AND REVIEW PROCESS, THE COUNTY GOVERNING BODY SHALL BY RESOLUTION AFFIRM THE REJECTION OR GRANT THE REFERENDUM REQUEST."

and in line 14, strike "THE TEXT" and substitute "A FAIR SUMMARY"; and in line 18, strike "BOARD" and substitute "BODY".

AMENDMENT NO. 6

On page 7, after line 22, insert:

"(C) AFTER 1 YEAR FROM THE EFFECTIVE DATE OF THE INCORPORATION, A

(Over)

COUNTY GOVERNING BODY MAY WITHHOLD ANY PAYMENTS DUE TO THE MUNICIPAL CORPORATION FOR PURPOSES OF SATISFYING ANY UNPAID EXPENSES SPECIFIED IN SUBSECTION (A) OF THIS SECTION.”;

in line 36, strike “29.”; in line 37, before “The” insert “(E)”; and after line 39, insert:

“29.

(A) IF THE REFERENDUM RESULTS IN THE CREATION OF A NEW MUNICIPAL CORPORATION, THE LOCAL INCOME TAX PAYMENTS AUTHORIZED UNDER § 2-607 OF THE TAX - GENERAL ARTICLE SHALL BE DISTRIBUTED TO THE MUNICIPAL CORPORATION AS FOLLOWS UNLESS THE COUNTY GOVERNING BODY AGREES TO AN ACCELERATED PAYMENT SCHEDULE:

(1) IN THE FIRST YEAR FOLLOWING THE EFFECTIVE DATE OF THE MUNICIPAL INCORPORATION, ONE-THIRD OF THE DISTRIBUTION OTHERWISE REQUIRED UNDER § 2-607 OF THE TAX - GENERAL ARTICLE;

(2) IN THE SECOND YEAR FOLLOWING THE EFFECTIVE DATE OF THE MUNICIPAL INCORPORATION, TWO-THIRDS OF THE DISTRIBUTION OTHERWISE REQUIRED UNDER § 2-607 OF THE TAX - GENERAL ARTICLE; AND

(3) IN THE THIRD YEAR FOLLOWING THE EFFECTIVE DATE OF THE MUNICIPAL INCORPORATION AND EACH SUBSEQUENT YEAR, ALL OF THE DISTRIBUTION REQUIRED UNDER § 2-607 OF THE TAX - GENERAL ARTICLE.

(B) (1) FOR THOSE MUNICIPAL CORPORATIONS THAT ARE ELIGIBLE TO ASSUME PLANNING AND ZONING AUTHORITY, THE COUNTY GOVERNING BODY AND THE MUNICIPAL CORPORATION SHALL COOPERATE IN DEVELOPING THE FIRST COMPREHENSIVE LAND USE PLAN OF THE MUNICIPAL CORPORATION.

(2) THE INITIAL ZONING DESIGNATIONS USED BY THE MUNICIPAL CORPORATION SHALL COMPLY WITH THE PROVISIONS OF § 9(C) OF THIS ARTICLE, INCLUDING THE 5-YEAR ZONING CLASSIFICATION RESTRICTION, UNLESS THE COUNTY GOVERNING BODY EXPRESSLY APPROVES OTHERWISE.”.