



Agenda Item 1
February 22, 2010

OFFICE OF INTERGOVERNMENTAL RELATIONS

Isiah Leggett
County Executive

Melanie Wenger
Director

February 22, 2010

MEMORANDUM

TO: Montgomery County Council

FROM: Melanie L. Wenger, Director
Office of Intergovernmental Relations

SUBJECT: Second Winter Update in Rockville

The purpose for this afternoon's meeting is to discuss:

- update on 2010 session;
- new local and bi-county bills: House Bill 889 – *Montgomery County – Election Law – Days of Early Voting MC 23-10*; House Bill 1205 – *Montgomery County – Alcoholic Beverages License Fees – Repeal of Sunset MC 24-10*; and PG/MC 117-10 – *Washington Suburban Sanitary Commission – Minority Business Enterprise Participation Goals*;
- amendments to HB 861 – *Montgomery County - Enterprise Zones - County Tax Credits MC 2-10*, at circle 1;
- status of local and bi-county legislation at circle 4;
- House Bill 555 – *Political Subdivisions – Electronic Legal Notices Option* and House Bill 111 – *Charter Counties – Local Laws – Digital Copies*;
- House Bill 832 – *The Lorraine Sheehan Health and Community Services Act of 2010*;
- House Bill 845 – *State Retirement and Pension System – Investments – Qualified Information Technology, Green Technology, Medical Device Technology, or Bioscience Businesses*;

Montgomery County Council
Re: Second Winter Update in Rockville
February 22, 2010
Page 2

- House Bill 1120 – *Motor Vehicles - Towing Practices and Procedures*;
- local bond bill list, to date, at circle 8;
- anything else.

NOTE: The text of any House bill may be accessed through the Maryland General Assembly's website at <http://mlis.state.md.us/> by clicking on Bill Information and Status, entering the bill number, and then clicking on the bill number at the top of the bill information page.

**PG/MC 117-10 may be accessed at the following link:
<http://www.montgomerycountydelegation.com/documents/LR2444.pdf>.**

Version 2.15.2010.

BY: Delegate Carr
(To be offered in the Montgomery County Delegation)

AMENDMENTS TO MC 2-10
(Sprint Copy)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 4 down through "zone" in line 16, and substitute, "requiring, in Montgomery County, the lessor of real property eligible for a certain enterprise zone tax credit to reduce by a certain amount the amount of tax for which the tenant is contractually liable under the lease under certain circumstances; authorizing the governing body of Montgomery County or of a municipal corporation in Montgomery County to grant, by law, a certain property tax credit against certain property taxes; authorizing the governing body of Montgomery County or of a municipal corporation in Montgomery County to provide by law for the amount and duration of a certain tax credit, additional eligibility criteria for a certain tax credit, and any other provision necessary to carry out a certain tax credit; requiring the governing body of Montgomery County or of a municipal corporation in Montgomery County to define the improvements eligible for a certain tax credit; prohibiting the grant of a certain tax credit for certain improvements to a property that received a certain other tax credit; and generally relating to enterprise zones".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 21 on page 2, inclusive, and substitute:

"BY repealing and reenacting, with amendments,

Article - Tax - Property
Section 9-103(b)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to

Article - Tax - Property
Section 9-317(f)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 24 on page 2 through line 51 on page 3, inclusive.

AMENDMENT NO. 4

On page 3, after line 51, insert:

"Article -- Tax -- Property

9-103.

(b) (1) The governing body of a county or of a municipal corporation shall grant a tax credit under this section against the property tax imposed on the eligible assessment of qualified property.

(2) IN MONTGOMERY COUNTY, IF IMPROVEMENTS UNDER § 9-317(F)(3)(II) OF THIS TITLE ARE MADE BY A TENANT, THE LESSOR OF THE REAL PROPERTY ELIGIBLE FOR THE CREDIT UNDER THIS SECTION SHALL REDUCE BY THE AMOUNT OF THE CREDIT COMPUTED UNDER THIS SECTION THE AMOUNT OF TAXES FOR WHICH THE TENANT IS CONTRACTUALLY LIABLE UNDER THE LEASE AGREEMENT.

9-317.

(F) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "ELIGIBLE BUSINESS ENTITY" MEANS A PERSON WHO OPERATES OR CONDUCTS A TRADE OR BUSINESS ON QUALIFIED ENTERPRISE ZONE PROPERTY BUT DOES NOT OWN THE QUALIFIED ENTERPRISE ZONE PROPERTY.

(III) "QUALIFIED ENTERPRISE ZONE PROPERTY" MEANS REAL PROPERTY THAT:

- 1. IS NOT USED FOR RESIDENTIAL PURPOSES;
- 2. IS USED IN A TRADE OR BUSINESS BY AN ELIGIBLE BUSINESS ENTITY;
- 3. IS LOCATED IN AN ENTERPRISE ZONE THAT IS DESIGNATED UNDER TITLE 5, SUBTITLE 7 OF THE ECONOMIC DEVELOPMENT ARTICLE; AND
- 4. IS ELIGIBLE FOR THE PROPERTY TAX CREDIT UNDER § 9-103 OF THIS ARTICLE.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, THE GOVERNING BODY OF MONTGOMERY COUNTY OR A MUNICIPAL CORPORATION IN MONTGOMERY COUNTY MAY GRANT, BY LAW, A

PROPERTY TAX CREDIT AGAINST A COUNTY OR MUNICIPAL PROPERTY TAX, RESPECTIVELY, IMPOSED ON:

(I) QUALIFIED ENTERPRISE ZONE PROPERTY FOR IMPROVEMENTS MADE BY AN ELIGIBLE BUSINESS ENTITY TO THE QUALIFIED ENTERPRISE ZONE PROPERTY; AND

(II) PERSONAL PROPERTY OWNED BY AN ELIGIBLE BUSINESS ENTITY LOCATED ON QUALIFIED ENTERPRISE ZONE PROPERTY.

(3) (I) THE GOVERNING BODY OF MONTGOMERY COUNTY OR A MUNICIPAL CORPORATION IN MONTGOMERY COUNTY MAY PROVIDE, BY LAW, FOR:

1. THE AMOUNT AND DURATION OF A CREDIT UNDER THIS SUBSECTION;

2. ADDITIONAL ELIGIBILITY CRITERIA FOR A CREDIT UNDER THIS SUBSECTION; AND

3. ANY OTHER PROVISION NECESSARY TO CARRY OUT A CREDIT UNDER THIS SUBSECTION.

(II) THE GOVERNING BODY OF MONTGOMERY COUNTY OR A MUNICIPAL CORPORATION IN MONTGOMERY COUNTY SHALL DEFINE, BY LAW, THE IMPROVEMENTS ELIGIBLE FOR A CREDIT UNDER THIS SUBSECTION.

(4) A TAX CREDIT MAY NOT BE GRANTED UNDER THIS SUBSECTION FOR IMPROVEMENTS TO A PROPERTY THAT RECEIVED CREDIT UNDER § 9-103 OF THIS ARTICLE."

2010 General Assembly Session
Montgomery County Local and Bi-County Legislation
 Status as of February 19, 2010

MC 2-10 (Carr) Montgomery County – Enterprise Zones – County Tax Credits	CE: Amend CC: Hold	County Affairs Work Session 1/21/10 Introduced as HB 861 County Affairs – Hold
MC 4-10 (Ali et al.) Montgomery County – Tenant Credit Check Restriction Act	CE: Support w/A CC: Hold	Accepted as late filed 1/22/10 Hearing 1/29/10 County Affairs Work Session 2/4/10 Introduced as HB 860 County Affairs – FAV/A (7-0) County Affairs – FAV/A (20-4) 2/19/2010
MC-9-10 (Feldman, et al.) Montgomery County – Winery Special Event Permits – Farmers' Markets	CE: Support CC: Support	Hearing 12/1/09 County Affairs Work Session 1/21/10 FAVORABLE (7-1) County Affairs 2/4/10 FAVORABLE (16-1-1) Delegation 2/5/10 Introduced as HB 823 Senate Hearing 2/18/2010 Senate – FAVORABLE – 5-0 2/18/2010
MC 10-10 (Feldman & Rice) Montgomery County – Speed Monitoring Systems – Distribution of Revenue	CE: Oppose CC: Hold	Hearing 12/1/09 Land Use & Transportation Work Session 1/27/10 – Hearing Cancelled WITHDRAWN
MC 12-10 (Kaiser, et al.) Mo Co Board of Education – Student Member – Voting	CE: Support CC: Support	Hearing 12/1/09 County Affairs Work Session 1/21/10 FAVORABLE (7-1) County Affairs 2/4/10 FAVORABLE (18-1-1) Delegation 2/5/10 Introduced as HB 857 Senate Hearing – 2/18/2010 Senate – FAVORABLE w/amendment (5-3) 2/18/2010
MC 13-10 (Madaleno & Raskin) Montgomery County Democratic Party Central Committee – Membership Criteria	CE: Support CC: Support w/a to guarantee odd number of members	Hearing 12/1/09 County Affairs Work Session 1/21/10 FAVORABLE (8-0) County Affairs 2/4/10 FAVORABLE (18-2) Delegation 2/5/10 Introduced as HB 859 Senate Hearing – 2/18/2010 Senate – FAVORABLE – (6-0) – 2/18/2010

<p>MC 14-10 (Madaleno, <i>et al.</i>) Montgomery County – Maintenance of Effort Waiver</p>	<p>CE: Support CC: Support</p>	<p>House Delegation Hearing: 1/22/10 Senate Delegation Hearing: 1/22/10 Introduced as HB 223 County Affairs – FAVORABLE – (7-0) 2/18 Delegation – FAVORABLE – (24-0) – 2/19/2010</p>
<p>MC 15-10 (Madaleno & Raskin) Election Law – Montgomery County Republican Party Central Committee</p>	<p>CE: Support CC: Support</p>	<p>Hearing: 1/22/10 County Affairs work Session 1/28/10 FAVORABLE (8-0) County Affairs 2/4/10 FAVORABLE (21-0) Delegation 2/5/10 Introduced as HB 856 Senate Hearing 2/18/2010 Senate – FAVORABLE – (6-0) – 2/18/2010</p>
<p>MC 16-10 (Lenett, <i>et al.</i>) Montgomery County – Leghold or Body-Gripping Traps – Prohibition</p>	<p>CE: No Pos CC: No Pos MNCPPC: No Pos</p>	<p>Hearing 1/22/10 County Affairs Work Session 1/28/10 HOLD 2/4/10 Introduced as HB 858 County Affairs – FAVORABLE – (6-1) 2/18 Delegation – Special Order – (13-9)</p>
<p>MC 18-10 (Feldman) Mo Co Dept of Econ Development – Investment Authority</p>	<p>CE: Support CC: Support</p>	<p>Accepted as late filed 1/22/10 Public Hearing 1/29/10 County Affairs Work Session 2/4/10 HOLD 2/4/10 Introduced as HB 891 County Affairs – FAVORABLE – (5-2) 2/18 Delegation – Special Order – 2/19/2010</p>
<p>MC 22-10 (Frick) Sales and Use Tax – Exemption – Lodging at Corporate Training Center in Montgomery County</p>	<p>CE: Support CC:</p>	<p>Accepted as late filed 2/5/10 Introduced as HB 855 Public Hearing 2/19/01</p>
<p>MC 23-10 (Manno, <i>et al.</i>) Montgomery County – Election Law – Days of Early Voting</p>	<p>CE: Support if funding is provided to pay for it CC:</p>	<p>Accepted as late filed 2/5/10 Introduced as HB 889 Public Hearing 2/19/10 County Affairs Work Session 2/25/2010</p>
<p>MC 24-10 (Feldman on behalf of Montgomery County) Montgomery County – Alcoholic Beverages License Fees – Repeal of Sunset</p>	<p>CE: Support CC:</p>	<p>Accepted as late filed 2/19/2010 County Affairs Work Session 2/25/2010</p>

<p>PG/MC 104-10 (WSSC) WSSC – Customer Notices</p>	<p>WSSC: Support MoCo CE: Support PrGeo CE: Support MoCo CC: Support PrGeo CC: Support</p>	<p>M Bi-County Work Session 1/25/10 M Bi County Work Session 2/15/10 Hold 2/15/10 Introduced as HB 579</p>
<p>PG/MC 105-10 (WSSC) WSSC – Human Resources</p>	<p>WSSC: Support MoCo CE: Support PrGeo CE: Support MoCo CC: Support PrGeo CC: Support</p>	<p>M Bi-County Work Session 1/25/10 M Bi County Work Session 2/15/10 Forward with Amendments 2/15/10 Introduced as HB 578 Passed House Delegation 2/19/10</p>
<p>PG/MC 107-10 (Rosapepe et al) Md-Washington Regional District – Boundaries – City of Laurel</p>	<p>MoCo CE: No Pos MoCo CC: No Pos</p>	<p>P Bi-County Work Session 1/25/10 Introduced as HB 581</p>
<p>PG/MC 108-10 (Peters et al.) Prince George's County – TF/Study M-NCPPC in PrGeo</p>	<p>MoCo: CE: No Pos MNCPPC: Oppose MoCo CC: No Pos</p>	<p>Introduced as HB 577</p>
<p>PG/MC 109-10 (Muse) WSSC – Procurement & Minority Business Enterprises – WSSC Proc Oversight Committee</p>	<p>MoCo CE: Oppose WSSC: Oppose PrGeo CE: Oppose MoCo CC: Oppose PrGeo CC: No Pos</p>	<p>Introduced as HB 638</p>
<p>PG/MC 112-10 (Exum) Prince George's County – Issuance of Alcoholic Beverage Licenses & Park Permits – Notification</p>	<p>MoCo CE: No Pos MNCPPC: Support MoCo CC: No Pos</p>	<p>Introduced as HB 582</p>
<p>PG/MC 113-10 (Muse) Task Force on the Reassignment of Functions of the WSSC to MoCo and PrGeo</p>	<p>MoCo CE: Oppose WSSC: No Action PrGeo CE: Oppose MoCo CC: No Pos PrGeo CC: Oppose</p>	<p>Introduced as HB 580</p>
<p>PG/MC 114-10 (Muse) WSSC – Local Small Business Enterprise Prog – Eligibility Criteria</p>	<p>MoCo CE: Oppose WSSC: No Pos PrGeo CE: Support MoCo CC: Hold</p>	<p>Introduced as HB 617</p>

2010 Legislation Affecting Montgomery County

Page 4

PG/MC 115-10 (Harrington) Prince George's County – Development Permits – Expedited Review for Qualified Redevelopment Projects	MoCo CE: No Pos MoCo CC: No Pos	P Bi-County Work Session 1/25/10 Introduced as HB 576
PG/MC 116-10 (Braveboy & Taylor) WSSC – Minority Bus Utilization Program	MoCo CE: Oppose WSSC: No Action PrGeo CE: Support MoCo CC: Hold	Introduced as HB 637
PG/MC 117-10 (Taylor) WSSC – Minority Business Enterprise Participation Goals	MoCo CE: Oppose	Accepted as late filed 2/19/10

**Montgomery County 2010 Local Bond Bill Submissions
As of 2/19/2010**

Project	Match Provider	Amount	Match	HB	Sponsor	SB	Sponsor
Cabin John Park Tai Chi Court	Maryland-National Capital Park and Planning Commission	40,000	Soft (2, 3)	846	Feldman	12	Garagiola
Camp Brighton Woods	Bd of Directors of the Girl Scout Council of the Nation's Capital	350,000	Soft (3)	117	Kaiser	267	Kramer
Capital Area Food Bank	Board of Directors of the Capital Area Food Bank, Inc.	300,000	Soft (1)	362	Griffith	352	Currie
Cinnamon Woods Environmental & Safety Lighting Upgrade	Bd of Directors of the Cinnamon Woods Homes Association, Inc.	125,000	Hard	369	Reznik	588	King
Damascus Heritage Museum	Board of Directors of the Damascus Heritage Society, Inc.	200,000	Soft (2)	498	Taylor		
Garrett Park Community Center	Board of Directors of the Garrett Park Nursery School, Inc.	200,000	Soft (1, 2)	519	Simmons	162	Forehand
Identity House	Board of Directors of Identity, Inc.	350,000	Soft (1, 2)	1178	Gilchrist	822	Forehand
Ivymount School Annex Building	Board of Directors of the Ivymount School, Inc.	400,000	Soft (3)	330	Rice	332	Frosh
JFGH Activity Center	Bd of Directors of the Jewish Foundation for Group Homes, Inc.	100,000	Hard	441	Frick	510	Frosh
Lake Whetstone Hillside Stabilization	Board of Directors of the South Village Homes Corporation	20,000	Hard	602	Barkley	589	King
Maryland Food Bank	Board of Directors of the Maryland Food Bank, Inc.	250,000	Hard	1142	DeBoy		
Maydale Nature Center	Board of Directors of The Friends of Maydale Nature Center, Inc.	55,000	Soft (2)	389	Taylor		
MCAD Parkland *	County Executive & Council of Montgomery Co.	500,000	Hard	651	Carr	830	Madaleno
Montgomery Village Martin Roy Park Pavilion	Board of Directors of the Montgomery Village Foundation, Inc.	30,000	Hard	477	Barkley	587	King
Muslim Community Center Youth Multipurpose Facility	Bd of Directors & Bd of Trustees of Muslim Community Center, Inc.	200,000	Soft (1, 2, 3)	1104	Ali	936	Kramer
National Labor College Academic Services Building	Board of Trustees of the National Labor College, Inc.	250,000	Soft (3)	183	Hucker	687	Raskin
RCI Group Home	Board of Directors of Residential Continuum, Inc.	100,000	Hard	890	Reznik	586	King
Rockville Fitness Center and Exercise Room Expansion	Mayor and City Council of the City of Rockville	240,000	Soft (1, 2, 3)	1208	Barve	961	Forehand
Sandy Spring Museum	Board of Trustees of the Sandy Spring Museum, Inc.	140,000	Soft (2, 3)	396	Montgomery	737	Kramer
Warner Manor	Maryland-National Capital Park and Planning Commission	1,000,000	Hard	652	Carr	572	Madaleno
TOTAL		4,850,000					

Match Key: Hard = Cash; 1 = Real Property; 2 = In Kind Contributions; 3 = Prior Expenditures

* County Match Required

