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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.”.