

HOUSE BILL 1106

Q1, Q2

0lr1254
CF SB 954

By: **Delegates Cardin, Arian, Hettleman, Holmes, C. Jackson, McComas, Parrott, and Szeliga**

Introduced and read first time: February 6, 2020

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Property Tax – Solar Energy Systems**

3 FOR the purpose of establishing certain solar energy property as a subclass of personal
4 property; providing that the county tax rate applicable to certain solar energy
5 property may be a different rate from the county tax rate applicable to other personal
6 property, subject to a certain limitation; exempting personal property that is a
7 certain community solar energy generating system from a county or municipal
8 corporation property tax; prohibiting the supervisor of assessments for a county,
9 when valuing income producing real property, from considering the value of income
10 attributable to the installation of a certain community solar energy generating
11 system; defining a certain term; providing for the application of this Act; and
12 generally relating to property taxes and solar energy systems.

13 BY repealing and reenacting, without amendments,
14 Article – Public Utilities
15 Section 7–306.2(a)(1) and (3)
16 Annotated Code of Maryland
17 (2010 Replacement Volume and 2019 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Tax – Property
20 Section 6–302(b)(1) and 8–101(c)
21 Annotated Code of Maryland
22 (2019 Replacement Volume)

23 BY adding to
24 Article – Tax – Property
25 Section 7–402 and 8–105(a)(4)
26 Annotated Code of Maryland
27 (2019 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 Article – Tax – Property
3 Section 8–101(a) and 8–105(a)(1)
4 Annotated Code of Maryland
5 (2019 Replacement Volume)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That the Laws of Maryland read as follows:

8 **Article – Public Utilities**

9 7–306.2.

10 (a) (1) In this section the following words have the meanings indicated.

11 (3) “Community solar energy generating system” means a solar energy
12 system that:

13 (i) is connected to the electric distribution grid serving the State;

14 (ii) is located in the same electric service territory as its subscribers;

15 (iii) is attached to the electric meter of a subscriber or is a separate
16 facility with its own electric meter;

17 (iv) credits its generated electricity, or the value of its generated
18 electricity, to the bills of the subscribers to that system through virtual net energy
19 metering;

20 (v) has at least two subscribers but no limit to the maximum number
21 of subscribers;

22 (vi) does not have subscriptions larger than 200 kilowatts
23 constituting more than 60% of its subscriptions;

24 (vii) has a generating capacity that does not exceed 2 megawatts as
25 measured by the alternating current rating of the system’s inverter; and

26 (viii) may be owned by any person.

27 **Article – Tax – Property**

28 6–302.

29 (b) (1) Except as provided in subsection (c) of this section, §§ 6–305 and 6–306
30 of this subtitle and § 6–203 of this title:

1 (i) there shall be a single county property tax rate for all real
2 property subject to county property tax except for operating real property described in §
3 8–109(c) of this article; [and]

4 (ii) the county tax rate applicable to personal property and the
5 operating real property described in § 8–109(c) of this article shall be no more than 2.5
6 times the rate for real property; AND

7 **(III) THE COUNTY TAX RATE APPLICABLE TO SOLAR ENERGY**
8 **PROPERTY DESCRIBED UNDER § 8–101(C) OF THIS ARTICLE MAY BE A DIFFERENT**
9 **RATE FROM THE COUNTY TAX RATE APPLICABLE TO OTHER PERSONAL PROPERTY,**
10 **SUBJECT TO THE LIMITATION UNDER ITEM (II) OF THIS PARAGRAPH.**

11 **7–402.**

12 **(A) IN THIS SECTION, “COMMUNITY SOLAR ENERGY GENERATING SYSTEM”**
13 **HAS THE MEANING STATED IN § 7–306.2 OF THE PUBLIC UTILITIES ARTICLE.**

14 **(B) PERSONAL PROPERTY THAT IS A COMMUNITY SOLAR ENERGY**
15 **GENERATING SYSTEM INSTALLED ON THE ROOFTOP OF A STRUCTURE IS NOT**
16 **SUBJECT TO A COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX.**

17 8–101.

18 (a) For assessment purposes, property shall be divided into classes and
19 subclasses.

20 (c) Personal property is a class of property and is divided into the following
21 subclasses:

22 (1) stock in business;

23 (2) distilled spirits;

24 (3) operating personal property of a railroad;

25 (4) operating personal property of a public utility that is machinery or
26 equipment used to generate electricity or steam for sale;

27 (5) all other operating personal property of a public utility;

28 (6) machinery and equipment, other than operating personal property of a
29 public utility, that is used to generate:

30 (i) electricity or steam for sale; or

1 (ii) hot or chilled water for sale that is used to heat or cool a building;
2 [and]

3 (7) SOLAR ENERGY PROPERTY THAT IS INSTALLED TO USE SOLAR
4 ENERGY TO GENERATE ELECTRICITY, OTHER THAN SOLAR ENERGY PROPERTY
5 INSTALLED ON THE ROOFTOP OF A STRUCTURE; AND

6 (8) all other personal property that is directed by this article to be assessed.

7 8–105.

8 (a) (1) Except for land that is actively devoted to farm or agricultural use, the
9 supervisor:

10 (i) may value income producing real property by using the
11 capitalization of income method or any other appropriate method of valuing the real
12 property; and

13 (ii) shall consider an income method in valuing income producing
14 commercial real property.

15 (4) THE SUPERVISOR MAY NOT CONSIDER THE VALUE OF INCOME
16 ATTRIBUTABLE TO THE INSTALLATION OF A COMMUNITY SOLAR ENERGY
17 GENERATING SYSTEM, AS DEFINED IN § 7–306.2 OF THE PUBLIC UTILITIES
18 ARTICLE.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
20 1, 2020, and shall be applicable to all taxable years beginning after June 30, 2020.