

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 380
Ways and Means

(Delegate Fisher, *et al.*)

Personal Property Tax - Investments in Maryland

This bill exempts, from the personal property tax, property that is owned by a business that (1) has organized under the laws of Maryland during the current tax year or (2) relocates its headquarters to Maryland during the current tax year. Also, beginning in fiscal 2021, the bill exempts all personal property, except for operating personal property of a railroad or public utility and specified telecommunications property, from county or municipal property taxes. **The bill takes effect June 1, 2018, and applies to all taxable years beginning after June 30, 2018.**

Fiscal Summary

State Effect: General fund expenditures increase by \$120,000 in FY 2019 for computer programming changes at the State Department of Assessments and Taxation (SDAT). Revenues are not affected.

Local Effect: Local property tax revenues will decrease beginning in FY 2020 to the extent businesses start up or relocate their headquarters to Maryland. Beginning in FY 2021, local government revenues may decrease by an estimated \$334.0 million annually due to the business personal property tax exemption. Local expenditures are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: SDAT must identify provisions of the Annotated Code of Maryland or the Code of Public Local Laws that are rendered inaccurate or obsolete as a result of specified provisions of the bill and must submit a report to the General Assembly by December 1, 2018, on its findings with recommendations for any amendments to the Annotated Code of Maryland or the Code of Public Local Laws.

Current Law: County and municipal governments impose property taxes on business-owned personal property. **Appendix – Personal Property Taxation in Maryland** provides an overview on how personal property taxes are imposed and collected in Maryland. The Appendix also includes information on personal property tax rates and the assessable base amounts for fiscal 2018.

State Fiscal Effect: SDAT advises that the department does not have an inventory of specified telecommunications property as identified in the bill. As a result, the department will have to create a new subclass of business personal property in its database, which will require computer programming changes at an estimated cost of \$120,000 in fiscal 2019.

Local Fiscal Effect: The bill affects local personal property tax collections in two ways. First, the bill provides a one-year personal property tax exemption for businesses that either start up or relocate their headquarters to Maryland for the tax year in which the start-up or relocation occurs. Second, beginning in fiscal 2021, the bill provides a personal property tax exemption for all personal property, except for operating personal property of a railroad or a public utility, and property used to provide a cable television, data, or telecommunications service, including all fiber-optic and other cable wire systems, cellular telephone towers, and wireless appurtenances attached to or installed on cellular telephone towers.

One Time Start-up Exemption

Local property tax revenues will decrease beginning in fiscal 2020 to the extent businesses start up or relocate in Maryland during a given year. The revenue loss will depend on the number of qualifying businesses and the assessed value of personal property. The amount of any revenue decrease will also vary between jurisdictions as counties have different tax rates and some counties do not tax personal property. To the extent a large company starts up or moves its headquarters, the effect could be significant in that year. As a point of reference, SDAT indicates that, in fiscal 2016, there were 332 new business filings; these new businesses had approximately \$4.5 million in personal property, as shown in **Exhibit 1**. Based on this data, county personal property tax revenues would have decreased by approximately \$110,200 had the bill been in effect in fiscal 2016.

Exhibit 1
New Business Filings
Fiscal 2016

County	New Business Filings	Personal Property Base	Revenue Decrease
Allegany	6	\$13,470	(\$329)
Anne Arundel	18	2,407,640	(55,544)
Baltimore City	21	96,590	(5,428)
Baltimore	24	241,000	(6,628)
Calvert	2	37,040	(826)
Caroline	1	27,500	(674)
Carroll	11	53,030	(1,334)
Cecil	3	21,850	(541)
Charles	3	46,110	(1,389)
Dorchester	3	0	0
Frederick	4	0	0
Garrett	3	0	0
Harford	16	127,720	(3,327)
Howard	12	59,550	(1,772)
Kent	0	0	0
Montgomery	19	645,660	(16,125)
Prince George's	5	35,130	(1,207)
Queen Anne's	2	0	0
St. Mary's	7	48,870	(1,041)
Somerset	2	40,730	(1,018)
Talbot	1	0	0
Washington	19	106,750	(2,530)
Wicomico	12	73,700	(1,600)
Worcester	138	424,140	(8,854)
Total	332	\$4,506,480	(\$110,168)

Source: State Department of Assessments and Taxation

Personal Property Tax Exemption

Beginning in fiscal 2021, the bill exempts all personal property from local taxation, except for operating personal property of a railroad or public utility and specified telecommunications property. As a result, local personal property tax revenues will decrease by a significant amount beginning in fiscal 2021. SDAT estimates that the countywide business personal property assessable base will total approximately \$12.5 billion for fiscal 2019.

SDAT does not currently have data as to the amount of personal property owned by various telecommunications services referenced in the bill. As a point of reference, if specified telecommunications property comprises 15% of the county business personal property assessable base, and the business personal property tax base remains constant, county personal property tax revenues may decrease by approximately \$312.3 million beginning in fiscal 2021. Municipal property tax revenues will decrease by an estimated \$21.7 million.

To the extent the actual personal property assessable base, including the amount of telecommunications property within the assessable base, differs from the estimate, the effect of the property tax exemption will vary accordingly.

Small Business Effect: Beginning in fiscal 2021, small businesses will not be subject to local personal property taxes with regard to certain business personal property. As a point of reference, in fiscal 2017, there were 330,981 personal property tax reports filed with SDAT, of which 118,516 had assessed personal property. The average personal property assessment was \$81,409, resulting in an average tax amount of \$2,416.

Additional Information

Prior Introductions: HB 1367 of 2017, HB 572 of 2016, HB 161 of 2015, HB 1129 of 2014, HB 856 of 2013, and HB 1065 of 2012 received hearings in the House Ways and Means Committee, but no further action was taken on any of the bills.

Cross File: None.

Information Source(s): Maryland Association of Counties; Maryland Municipal League; State Department of Assessments and Taxation; Department of Legislative Services

Fiscal Note History: First Reader - February 4, 2018
mag/hlb

Analysis by: Michael Sanelli

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

Appendix – Personal Property Taxation in Maryland

In Maryland, there is a tax on business-owned personal property that is imposed and collected by local governments. Personal property generally includes business property such as furniture, fixtures, office and industrial equipment, machinery, tools, supplies, inventory, and any other property not classified as real property. To provide for uniform assessments, the State Department of Assessments and Taxation (SDAT) is responsible for assessing all personal property. Each county or municipal government is responsible for issuing the tax bills and collecting the tax. The tax year begins on July 1 and ends on June 30. The personal property tax has been a local tax exclusively since 1984 when the State tax rate on personal property was set at zero.

At the beginning of each calendar year, SDAT notifies business entities on record that a personal property tax return must be filed by April 15. This tax return must include personal property located in Maryland as of January 1, the date of finality. The “date of finality” is the date used to determine ownership, location, value, and liability for tax purposes. Beginning in 2017, all tax returns will be filed electronically. An annual report fee is required to be paid to SDAT with the personal property tax return. The annual report fee is for the privilege of maintaining the legal entity’s existence in the State. **Exhibit 1** identifies the amount of the report fee that each legal entity is required to pay.

Exhibit 1 Annual Reporting Fee Requirement

<u>Business Entity</u>	<u>Fee</u>	<u>Business Entity</u>	<u>Fee</u>
Stock Corp	\$300	Domestic Statutory Trust	\$300
NonStock Corp	0	Foreign Statutory Trust	300
Foreign Insurance Corp	300	Real Estate Investment Trust	300
Foreign Interstate Corp	0	Certified Family Farm	100
Limited Liability Company	300	Sole Proprietorship	0
Limited Liability Partnership	300	General Partnership	0
Limited Partnership	300	Amended Return	0

Personal property, except inventory, is assessed based on the original cost less an annual depreciation allowance. The depreciation rate is determined based on the category of property. Seven rate categories (A through G) each pertain to different types of personal property. Except for data processing equipment and canned software, property may not be depreciated below 25%. For example, an item that was purchased for \$400 would be

reduced by the depreciation factor each year until it reaches a minimum of \$100. Inventory is valued at its fair average value using the cost or market value, whichever is lower.

Certain personal property is exempt by statute or local law. Exemptions generally fall into two categories: those mandated by State law and those that are optional to local governments. There are certain organizations or groups whose personal property is exempt throughout the State. These organizations include religious groups, governmental entities, nonprofit hospitals, cemetery and mausoleum companies, and certain other groups that meet specified strict use criteria. In addition, State law requires that certain types of personal property be fully exempt throughout the State. These include aircraft, farming implements, residential (nonbusiness) property, most registered vehicles, boats not more than 100 feet in length, hand tools of mechanics or artisans, and intangible personal property (*e.g.*, stocks, bonds, patents, goodwill, trademarks, etc.).

State law authorizes local governments to exempt certain types of business personal property. The county or municipality where the property is located may authorize a full or partial exemption. The most significant categories that may be exempt from the personal property tax are commercial inventory, manufacturing and research and development inventory, and manufacturing and research and development machinery. Most counties offer exemptions for 100% of all three of these categories, but tax other types of business personal property. In addition, six counties (Dorchester, Frederick, Garrett, Kent, Queen Anne's, and Talbot) have elected to exempt all business personal property from county taxation. Garrett County does not tax business personal property, however the county does tax property of non-utility generators at the county personal property tax rate.

Personal Property Tax Rates and Assessable Base Amounts

As shown in **Exhibit 2**, the statewide assessable base for business personal property totals \$13.1 billion in fiscal 2018. Among counties that impose the business personal property tax, the assessable base ranges from a high of \$2.4 billion in Montgomery County to a low of \$38.7 million in Somerset County. Tax rates on business personal property range from \$2.0875 in Worcester County to \$5.62 in Baltimore City.

Exhibit 2
County Business Personal Property Base
Fiscal 2018

County	Personal Property Tax Rate	Business Personal Property
Allegany	\$2.4425	\$182,348,030
Anne Arundel	2.2670	1,594,684,760
Baltimore City	5.6200	1,363,449,310
Baltimore	2.7500	1,881,971,450
Calvert	2.2300	158,865,410
Caroline	2.4500	55,961,050
Carroll	2.5150	306,836,860
Cecil	2.6035	235,408,890
Charles	3.0125	231,003,880
Dorchester	2.4400	0
Frederick	0.0000	0
Garrett	2.4750	145,172,850
Harford	2.6049	696,101,930
Howard	2.9750	1,038,693,700
Kent	0.0000	0
Montgomery	2.5320	2,417,503,290
Prince George's	3.4350	1,704,318,300
Queen Anne's	0.0000	0
St. Mary's	2.1195	169,942,030
Somerset	2.5000	38,704,360
Talbot	1.4270	0
Washington	2.3700	416,848,090
Wicomico	2.1715	217,027,750
Worcester	2.0875	224,176,860
Total		\$13,079,018,800

Source: State Department of Assessments and Taxation
