
By: Delegate Edwards

Introduced and read first time: February 7, 1996

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Property Tax Exemption for Coal Pollution Control Facilities and Coal Waste Disposal**
3 **Power Projects**

4 FOR the purpose of providing a partial property tax exemption for certified coal pollution
5 control facilities and coal waste disposal power projects placed in service on or after
6 a certain date; requiring the Department of Assessments and Taxation to adopt
7 certain regulations; defining certain terms; and generally relating to a partial
8 property tax exemption for certified coal pollution control facilities and coal waste
9 disposal power projects.

10 BY adding to

11 Article - Tax - Property
12 Section 7-238
13 Annotated Code of Maryland
14 (1994 Replacement Volume and 1995 Supplement)

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

17 **Article - Tax - Property**

18 7-238.

19 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (1) "CERTIFIED COAL POLLUTION CONTROL FACILITY" MEANS
22 PROPERTY THAT:

23 (I) IS USED PRIMARILY FOR THE PURPOSE OF ABATING OR
24 REDUCING WATER OR AIR POLLUTION OR CONTAMINATION RESULTING FROM THE
25 USE OF COAL AT AN ELECTRICAL GENERATION FACILITY, BY REMOVING,
26 ALTERING, DISPOSING, TREATING, STORING, DISPERSING, OR PREVENTING THE
27 CREATION OR EMISSION OF POLLUTANTS, CONTAMINANTS, WASTES, OR HEAT IN
28 COMPLIANCE WITH AIR OR WATER QUALITY OR EFFLUENT STANDARDS
29 PRESCRIBED UNDER THE LAWS OR REGULATIONS OF THE STATE OR THE UNITED
30 STATES; AND

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1 (II) HAS BEEN CERTIFIED BY THE DEPARTMENT OF THE
2 ENVIRONMENT AS CONFORMING TO STATE REQUIREMENTS FOR ABATEMENT OR
3 CONTROL OF WATER OR AIR POLLUTION OR CONTAMINATION.

4 (2) "COAL WASTE DISPOSAL POWER PROJECT" MEANS AN ELECTRICAL
5 GENERATION FACILITY DESIGNED, CONSTRUCTED, AND INSTALLED TO RECLAIM,
6 BURN, AND DISPOSE OF COAL WASTES IN COMPLIANCE WITH APPLICABLE AIR AND
7 WATER QUALITY STANDARDS.

8 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, PROPERTY IS
9 SUBJECT TO A PARTIAL EXEMPTION FROM PROPERTY TAX AS PROVIDED IN THIS
10 SECTION IF THE PROPERTY IS:

11 (1) A CERTIFIED COAL POLLUTION CONTROL FACILITY; OR

12 (2) A COAL WASTE DISPOSAL POWER PROJECT.

13 (C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE PARTIAL EXEMPTION
14 GRANTED UNDER THIS SECTION:

15 (1) IS EQUAL TO 95% OF THE ASSESSMENT OF THE PROPERTY; AND

16 (2) SHALL APPLY ONLY TO PROPERTY PLACED IN SERVICE ON OR
17 AFTER JANUARY 1, 1997.

18 (D) IF A CERTIFIED COAL POLLUTION CONTROL FACILITY PRODUCES A
19 PROFITABLE BY-PRODUCT OR IF A PART OF THE FACILITY IS REQUIRED FOR THE
20 OPERATION OF THE BUSINESS WITHOUT REGARD TO STATE AND FEDERAL AIR AND
21 WATER QUALITY REQUIREMENTS, THE PARTIAL EXEMPTION UNDER THIS SECTION
22 APPLIES ONLY TO THAT PORTION OF THE VALUE OF THE FACILITY ATTRIBUTABLE
23 TO POLLUTION CONTROL ACTIVITY.

24 (E) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ADMINISTER
25 THE EXEMPTION UNDER THIS SECTION.

26 (2) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL
27 PROVIDE FOR THE METHOD FOR ALLOCATION OF VALUES REQUIRED UNDER
28 SUBSECTION (D) OF THIS SECTION.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 1996.