

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**2020 Legislative Session**

Bill No. CB-55-2020

Chapter No. 58

Proposed and Presented by The Council Chair (by request – County Executive)

Introduced by Council Members Turner, Ivey, Anderson-Walker, Davis, Streeter,

Glaros, Dernoga, Franklin, Harrison and Taveras

Date of Introduction October 20, 2020

**BILL**

1 AN ACT concerning

2 Qualified Data Centers – Personal Property Tax Exemption

3 For the purpose of establishing a personal property tax exemption on the personal property of a  
4 Qualified Data Center; defining certain terms; providing for certain amounts of personal property tax  
5 exemptions under certain conditions; requiring a certain notice; and generally relating to personal  
6 property tax exemptions on qualified data centers.

7 BY adding:

8 SUBTITLE 10. Finance and Taxation

9 Section 10-235.27,

10 The Prince George's County Code

11 (2015 Edition; 2018 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
13 Maryland, that Subdivision 5N, Section 10-235.27 of the Prince George's County Code be and  
14 the same is hereby added:

15 **SUBTITLE 10. Finance and Taxation.**

16 **DIVISION 8. TAX ASSESSMENT, LEVY, AND COLLECTION.**

17 **SUBDIVISION 5N. QUALIFIED DATA CENTERS PERSONAL PROPERTY TAX EXEMPTION.**

18 **Sec. 10-235.27. Personal Property Tax; Exemption for Qualified Data Center Personal**  
19 **Property.**

20 (a) Authority. This Act is authorized under Section 7-248 of the Tax-Property

21 Article of the Annotated Code of Maryland, which authorizes the governing body of

1 a county to reduce or eliminate, by law, the percentage of the assessment of any  
2 qualified data center personal property used in a qualified data center that is subject  
3 to the County property tax that qualifies under this Section.

4 (b) Definitions. In this section, the following terms shall have the meanings indicated:

5 (1) “Qualified data center” shall have the meaning stated in Section 11–239 of the  
6 Tax – General Article of the Annotated Code of Maryland.

7 (2) “Qualified data center personal property” shall have the meaning stated in  
8 Section 11–239 of the Tax – General Article of the Annotated Code of Maryland.

9 (c) Exemption from Property Tax. Eligible Qualified Data Center Personal Property is  
10 subject to a partial or complete exemption from the County’s personal property tax.  
11 The determination of the County’s personal property tax exemption under this section  
12 shall be based on an evaluation that the qualified data center:

13 (i) Meets the requirements of this section;

14 (ii) Will result in an overall net positive impact on county tax revenues and the  
15 Prince George’s County economy; and

16 (iii) Is in the best interests of the public.

17 (d) Eligibility and Amount of Property Tax Exemption.

18 (1) Projects with \$200 million or more of investment and that create a total of 15  
19 jobs or more may qualify for a 15-year personal property tax reduction in  
20 assessment as follows:

21 (i) Years one through five - up to 100% reduction in assessment in personal  
22 property tax; and

23 (ii) Years six through ten - up to 50% reduction in assessment in personal  
24 property tax;

25 (iii) Years eleven through fifteen – up to a 25% reduction in assessment in  
26 personal property tax.

27 (2) Projects with \$50 million or more of investment and that create a total of  
28 five jobs or more may qualify for a 10-year tax personal property tax reduction in  
29 assessment as follows:

30 (i) Years one through five - up to 90% reduction in assessment in personal  
31 property tax; and

1                   (ii) Years six through ten- up to 40% reduction in assessment in personal  
2                   property tax.

3           (e) Notice. The County Executive or the County Executive’s designee shall notify the  
4           County Council in writing of the implementation on any reduction in assessment in  
5           personal property taxes for a qualified data center under this Section.

6           Notice under this Subsection shall be submitted within 60 days of any agreement between  
7           Prince George’s County and the developers or owners of any qualified data center to  
8           implement the provisions of this Section. Notice shall include:

9                   (i) The name of the recipient;

10                  (ii) The number of jobs expected to be created, directly or indirectly, as a result of  
11                  the construction and operation of the qualified data center;

12                  (iii) The amount and duration of the exemption granted; and

13                  (iv) The terms of any commitment for local minority business enterprises and  
14                  local business enterprises in the construction and operation of the qualified data  
15                  center.

16           SECTION 2. BE IT FURTHER ENACTED that a copy of this Act shall be sent to the  
17           Maryland Department of Assessments and Taxation.

18           SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby  
19           declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,  
20           sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of  
21           competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining  
22           words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
23           Act, since the same would have been enacted without the incorporation in this Act of any such  
24           invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,  
25           or section.

26           SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
27           days after it becomes law.

Adopted this 17th day of November, 2020.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Todd M. Turner  
Council Chair

ATTEST:

\_\_\_\_\_  
Donna J. Brown  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Angela D. Alsobrooks  
County Executive

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

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