

SB0662/659036/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 662

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Middleton” and substitute “Senators Middleton, Currie, Kasemeyer, McFadden, DeGrange, Jones, Madaleno, Kramer, Brinkley, Munson, Peters, Robey, King, Edwards, and Zirkin”; in line 2, strike “Rates” and substitute “Surcharge”; in line 3, strike beginning with the first “altering” through “rates;” and substitute “imposing a certain surcharge under certain circumstances in addition to the agricultural land transfer tax imposed on certain instruments of writing;”; in line 8, after “costs;” insert “declaring the intent of the General Assembly that certain counties be encouraged to establish Priority Preservation Areas for agricultural land preservation as authorized under a certain act and that new funds that may be provided to the Maryland Agricultural Land Preservation Foundation for preservation easement acquisition under a Critical Farm Program be used only in Priority Preservation Areas on or after a certain date;”; in line 12, strike “13-303(a)” and substitute “13-301(c)”; in the same line, after “13-306(a)” insert “and (b)”; after line 14, insert:

“BY adding to

Article – Tax – Property

Section 13-303(d)

Annotated Code of Maryland

(2007 Replacement Volume)”;

and strike in their entirety lines 15 through 19, inclusive.

AMENDMENT NO. 2

On page 2, after line 1, insert:

(Over)

“13-301.

(c) (1) “Agricultural land transfer tax” means the tax imposed under this subtitle.

(2) “AGRICULTURAL LAND TRANSFER TAX” INCLUDES THE SURCHARGE IMPOSED UNDER § 13-301(D) OF THIS SUBTITLE.”;

strike in their entirety lines 3 through 9, inclusive; after line 9, insert:

“(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN ADDITION TO THE TAX IMPOSED UNDER THIS SECTION, A SURCHARGE IN AN AMOUNT EQUAL TO 25% OF THE TAX DETERMINED UNDER SUBSECTIONS (A) THROUGH (C) OF THIS SECTION IS IMPOSED ON AN INSTRUMENT OF WRITING THAT TRANSFERS TITLE TO AGRICULTURAL LAND.

(2) THE SURCHARGE IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO AN INSTRUMENT OF WRITING THAT TRANSFERS PROPERTY OF 2 ACRES OR LESS TO BE IMPROVED TO A CHILD OR GRANDCHILD OF THE OWNER.”;

in lines 14 and 22, in each instance, after “from” insert “:

1.”;

and in lines 16 and 24, in each instance, after “woodland;” insert “AND

2. THE SURCHARGE IMPOSED UNDER § 13-303(D) OF THIS SUBTITLE;” .

On page 4, in line 3, after “from” insert “:

(I)”;

and in line 5, after “woodland;” insert “AND

(II) THE SURCHARGE IMPOSED UNDER § 13-303(D) OF THIS SUBTITLE;”.

AMENDMENT NO. 3

On page 3, in line 5, after “1.” insert “SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, FOR FISCAL YEAR 2010 AND EACH FISCAL YEAR THEREAFTER,”; strike beginning with “AN” in line 11 down through “FOR” in line 16; after line 17, insert:

“3. AFTER THE DISTRIBUTIONS MADE UNDER ITEMS 1 AND 2 OF THIS ITEM, \$4,000,000 INTO A SPECIAL FUND TO BE USED BY THE MARYLAND AGRICULTURAL AND RESOURCE-BASED INDUSTRY DEVELOPMENT CORPORATION FOR A PROGRAM OF FACILITATING PRESERVATION EASEMENT ACQUISITION THROUGH THE USE OF INSTALLMENT PURCHASE AGREEMENTS FOR EASEMENT PURCHASES THAT HAVE BEEN APPROVED BY THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION;”;

in line 30, strike “(3)(II)2” and substitute “(3)(II)3”; in line 31, strike “COLLECTED” and substitute “OTHERWISE REQUIRED TO BE DISTRIBUTED TO THE MARYLAND AGRICULTURAL LAND PRESERVATION FUND”; in line 35, strike “§ 13-209” and substitute “§ 13-209(D)(2)”; and after line 35, insert:

“(5) FOR EACH FISCAL YEAR AFTER 2010, THE AMOUNT DISTRIBUTED INTO THE MARYLAND AGRICULTURAL LAND PRESERVATION

(Over)

FUND UNDER PARAGRAPH (3)(II)1 OF THIS SUBSECTION SHALL BE INCREASED BY 5% OVER THE AMOUNT DISTRIBUTED FOR THE PRECEDING FISCAL YEAR.

(6) THE REVENUES REQUIRED TO BE DISTRIBUTED TO THE MARYLAND AGRICULTURAL AND RESOURCE-BASED INDUSTRY DEVELOPMENT CORPORATION UNDER PARAGRAPHS (3) AND (4) OF THIS SUBSECTION SHALL BE DISTRIBUTED ON A QUARTERLY BASIS ON OR ABOUT THE FIRST DAY OF THE MONTH IN JULY, OCTOBER, JANUARY, AND APRIL.”.

AMENDMENT NO. 4

On page 4, in line 33, strike “GENERAL” and substitute “**PROPERTY**”.

On page 5, in line 4, strike “GENERAL” and substitute “**PROPERTY**”.

AMENDMENT NO. 5

On page 5, after line 6, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(1) counties be encouraged to establish Priority Preservation Areas for agricultural land preservation as authorized under Chapter 289 of the Acts of the General Assembly of 2006 (the Agricultural Stewardship Act); and

(2) subject to § 13-306 of the Tax – Property Article and § 5-408 of the State Finance and Procurement Article, new funds that may be provided to the Maryland Agricultural Land Preservation Foundation for preservation easement acquisition under a Critical Farm Program be used only in Priority Preservation Areas on or after July 1, 2010.”;

and in line 7, strike “2.” and substitute “3.”.