

# SENATE BILL 1140

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8lr3875  
CF HB 1736

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By: **Senator Middleton**

Introduced and read first time: February 16, 2018

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 23, 2018

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2018

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Foundation – ~~Lot Release~~ Definition**  
3 **of Child**

4 FOR the purpose of ~~clarifying that certain provisions of law that govern the release of a lot~~  
5 ~~from certain easement restrictions by the Maryland Agricultural Land Preservation~~  
6 ~~Foundation for the use of a child of a certain landowner apply to the release of a lot~~  
7 ~~for the use of a stepchild if the landowner does not have any biological children;~~  
8 ~~defining a certain term; making conforming changes; the term “child” for the~~  
9 ~~purposes of the Maryland Agricultural Land Preservation Foundation; providing for~~  
10 ~~the application of this Act; and generally relating to the release of child lots by the~~  
11 ~~Maryland Agricultural Land Preservation Foundation.~~

12 BY renumbering

13 Article – Agriculture

14 Section ~~2-513(a) through (c), respectively 2-501~~

15 to be Section ~~2-513(b) through (f), respectively 2-501.1~~

16 Annotated Code of Maryland

17 (2016 Replacement Volume and 2017 Supplement)

18 ~~BY repealing and reenacting, with amendments,~~

19 ~~Article – Agriculture~~

20 ~~Section 2-505(b)(3) and (c)(1)(v) and (5), 2-509(d)(5), and 2-511(d)(1)(iii)~~

21 ~~Annotated Code of Maryland~~

22 ~~(2016 Replacement Volume and 2017 Supplement)~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to  
 2 Article – Agriculture  
 3 Section ~~2-513(a)~~ 2-501  
 4 Annotated Code of Maryland  
 5 (2016 Replacement Volume and 2017 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 7 That Section(s) ~~2-513(a) through (c), respectively,~~ 2-501 of Article – Agriculture of the  
 8 Annotated Code of Maryland be renumbered to be Section(s) ~~2-513(b) through (f),~~  
 9 ~~respectively~~ 2-501.1.

10 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
 11 as follows:

12 **Article – Agriculture**

13 ~~2-505.~~

14 (b) ~~The Maryland Agricultural Land Preservation Fund shall comprise:~~

15 (3) ~~Any money received under [§ 2-513(e)] § 2-513(D) of this subtitle.~~

16 (c) (1) ~~The Comptroller of the Treasury may not disburse any money from the~~  
 17 ~~Maryland Agricultural Land Preservation Fund other than:~~

18 (v) ~~For the reimbursement of money paid by a landowner for a~~  
 19 ~~preliminary release of a lot under [§ 2-513(b)(2)] § 2-513(C)(2) of this subtitle in~~  
 20 ~~accordance with paragraph (5) of this subsection.~~

21 (5) (i) ~~Subject to the prior approval of the board of trustees of the~~  
 22 ~~Maryland Agricultural Land Preservation Foundation and in accordance with regulations~~  
 23 ~~adopted by the Department, the Maryland Agricultural Land Preservation Foundation may~~  
 24 ~~reimburse money paid into the Maryland Agricultural Land Preservation Fund by a~~  
 25 ~~landowner for a lot that had been preliminarily released under [§ 2-513(b)(2)] §~~  
 26 ~~2-513(C)(2) of this subtitle for the purpose of constructing a dwelling house for a~~  
 27 ~~landowner or the child of the landowner.~~

28 (ii) ~~In the sole discretion of the Maryland Agricultural Land~~  
 29 ~~Preservation Foundation, the person for whom the lot was preliminarily released, the~~  
 30 ~~person who originally paid for the preliminary release, or another appropriate person may~~  
 31 ~~be reimbursed the amount paid to the Fund under [§ 2-513(b)(2)(iii)] § 2-513(C)(2)(III)~~  
 32 ~~of this subtitle if:~~

33 1. ~~A dwelling has not been constructed on the lot;~~

~~2. A request for reimbursement is made before the preliminary release becomes void under [§ 2-513(b)(2)] § 2-513(C)(2) of this subtitle;~~

~~3. Before reimbursement and at the expense of the owner of the land under the easement;~~

~~A. The lot is conveyed to the owner free and clear of liens;~~

~~B. Any recorded plat creating the lot is voided;~~

~~C. The lot is added to the tax account assigned to the land encumbered by the easement; and~~

~~D. The preliminary release is voided by an agreement recorded in the land records; and~~

~~4. At least one of the following circumstances exists:~~

~~A. The Foundation has received notice that title to the lot has been transferred under a bona fide foreclosure of a mortgage or deed of trust or a deed in lieu of foreclosure;~~

~~B. The Foundation has received notice that the landowner or child of the landowner for whom the lot was preliminarily released has died; or~~

~~C. Any other circumstance in which the Maryland Agricultural Land Preservation Foundation determines that it would be impossible for the landowner or child of the landowner for whom the lot was preliminarily released to fulfill the requirements of the preliminary release.~~

~~2-500.~~

~~(d) Regulations and criteria developed by the Foundation relating to land which may be considered for purchase of an easement shall provide that:~~

~~(5) Land may be considered for purchase of an easement only if the county regulations governing the land permit the activities listed under [§ 2-513(a)] § 2-513(B) of this subtitle; and~~

~~2-511.~~

~~(d) (1) (iii) The entire contiguous acreage shall be included in the determination of the value of the easement, less 1 acre per single dwelling; however, except as provided in [§ 2-513(b)(2)] § 2-513(C)(2) of this subtitle, the entire contiguous acreage, including the 1 acre per single dwelling, is subject to the easement restrictions.~~

~~2-513.~~

1 ~~(A) IN THIS SECTION, "CHILD OF THE LANDOWNER" INCLUDES A STEPCHILD~~  
2 ~~OF THE LANDOWNER IF THE LANDOWNER HAS NO BIOLOGICAL CHILDREN.~~

3 2-501.

4 IN THIS SUBTITLE, "CHILD":

5 (1) MEANS A BIOLOGICAL CHILD, AN ADOPTED CHILD, OR A  
6 STEPCHILD; AND

7 (2) DOES NOT INCLUDE A FOSTER CHILD, A GRANDCHILD, OR A  
8 DESCENDANT MORE REMOTE THAN A GRANDCHILD.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
10 apply retroactively and shall be applied to and interpreted to affect any person who is  
11 subject to the restrictions of an agricultural land preservation easement held by the  
12 Maryland Agricultural Land Preservation Foundation.

13 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
14 1, 2018.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.