

# HOUSE BILL 1289

Q7  
HB 633/07 – W&M

8lr2070  
CF SB 175

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By: **Delegates Jennings, Aumann, Boteler, Frank, and Stifler**

Introduced and read first time: February 8, 2008

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Estate Tax – Exclusion for Family Farm Subject to Agricultural**  
3 **Preservation Easements**

4 FOR the purpose of altering the determination of the Maryland estate tax under  
5 certain circumstances to exclude from the value of the gross estate the value of  
6 certain real property subject to certain agricultural preservation easements;  
7 providing for the application of this Act; and generally relating to the Maryland  
8 estate tax.

9 BY repealing and reenacting, with amendments,  
10 Article – Tax – General  
11 Section 7–309(b)(1) and (2)  
12 Annotated Code of Maryland  
13 (2004 Replacement Volume and 2007 Supplement)

14 BY adding to  
15 Article – Tax – General  
16 Section 7–309(c)  
17 Annotated Code of Maryland  
18 (2004 Replacement Volume and 2007 Supplement)

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

21 **Article – Tax – General**

22 7–309.

23 (b) (1) Except as provided in paragraphs (2) through (7) of this subsection  
24 **AND SUBSECTION (C) OF THIS SECTION**, after the effective date of an Act of

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Congress described in subsection (a) of this section, the Maryland estate tax shall be determined using:

(i) the federal credit allowable by § 2011 of the Internal Revenue Code as in effect before the reduction or repeal of the federal credit pursuant to the Act of Congress; and

(ii) other provisions of federal estate tax law as in effect on the date of the decedent's death.

(2) Except as provided in paragraph (3) through (7) of this subsection **AND SUBSECTION (C) OF THIS SECTION**, if the federal estate tax is not in effect on the date of the decedent's death, the Maryland estate tax shall be determined using:

(i) the federal credit allowable by § 2011 of the Internal Revenue Code as in effect before the reduction or repeal of the federal credit pursuant to the Act of Congress; and

(ii) other provisions of federal estate tax law as in effect on the date immediately preceding the effective date of the repeal of the federal estate tax.

**(C) (1) IN THIS SUBSECTION, "CHILD" AND "PARENT" HAVE THE MEANINGS STATED IN § 7-203(B) OF THIS TITLE.**

**(2) THE MARYLAND ESTATE TAX SHALL BE DETERMINED BY EXCLUDING FROM THE VALUE OF THE GROSS ESTATE THE VALUE OF ANY REAL PROPERTY THAT:**

**(I) IS SUBJECT TO A PERPETUAL AGRICULTURAL PRESERVATION EASEMENT THAT HAS BEEN GRANTED TO:**

**1. THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION; OR**

**2. A LOCAL AGRICULTURAL LAND PRESERVATION PROGRAM THAT HAS BEEN APPROVED BY THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION; AND**

**(II) PASSES FROM THE DECEDENT TO OR FOR THE USE OF:**

**1. A SPOUSE, PARENT, OR GRANDPARENT OF THE DECEDENT;**

**2. A CHILD OF THE DECEDENT OR A LINEAL DESCENDANT OF A CHILD OF THE DECEDENT;**

1                                   **3.     A SPOUSE OF A CHILD OF THE DECEDENT OR A**  
2   **SPOUSE OF A LINEAL DESCENDANT OF A CHILD OF THE DECEDENT; OR**

3                                   **4.     A BROTHER OR SISTER OF THE DECEDENT.**

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5   July 1, 2008, and shall be applicable to decedents dying after December 31, 2007.