

SENATE BILL 759

Q1, M4

8lr1696
CF 8lr3785

By: **Senator Jennings**

Introduced and read first time: February 5, 2018

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Property Tax – Benefits for Agricultural Land – Exclusion of Solar Farms**

3 FOR the purpose of establishing that a certain special use value assessment of certain
4 agricultural land does not apply to land used for the generation of electricity from
5 solar energy; prohibiting a certain property tax credit for agricultural land from
6 being granted for tax imposed on land used for the generation of electricity from solar
7 energy; providing for the application of this Act; and generally relating to the special
8 use value assessment of, and a property tax credit for, agricultural land.

9 BY repealing and reenacting, without amendments,
10 Article – Tax – Property
11 Section 8–209(a) through (d)
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2017 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Tax – Property
16 Section 8–209(h)(1)(v) and (vi) and 9–206
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2017 Supplement)

19 BY adding to
20 Article – Tax – Property
21 Section 8–209(h)(1)(vii)
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2017 Supplement)

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

26 **Article – Tax – Property**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 8–209.

2 (a) The General Assembly declares that it is in the general public interest of the
3 State to foster and encourage farming activities to:

4 (1) maintain a readily available source of food and dairy products close to
5 the metropolitan areas of the State;

6 (2) encourage the preservation of open space as an amenity necessary for
7 human welfare and happiness; and

8 (3) prevent the forced conversion of open space land to more intensive uses
9 because of the economic pressures caused by the assessment of the land at rates or levels
10 incompatible with its practical use for farming.

11 (b) It is the intention of the General Assembly that the assessment of farmland:

12 (1) be maintained at levels compatible with the continued use of the land
13 for farming; and

14 (2) not be affected adversely by neighboring land uses of a more intensive
15 nature.

16 (c) Land that is actively used for farm or agricultural use shall be valued on the
17 basis of that use and may not be valued as if subdivided.

18 (d) Land that is valued under subsection (c) of this section shall be assessed on
19 the basis of its use value.

20 (h) (1) Subject to paragraph (2) of this subsection, the following land does not
21 qualify to be assessed under this section:

22 (v) parcels of woodland of less than 5 acres excluding the homesite;
23 [or]

24 (vi) land that fails to meet the gross income requirement of
25 subsection (g) of this section; **OR**

26 **(VII) LAND USED FOR THE GENERATION OF ELECTRICITY FROM**
27 **SOLAR ENERGY.**

28 (2) No more than 2 parcels of less than 3 acres under the same ownership
29 may qualify for the agricultural use assessment.

30 9–206.

1 (a) In this section, “agricultural land” means real property subject to an easement
2 or other interest that is permanently conveyed or assigned to the Maryland Agricultural
3 Land Preservation Foundation under § 2–504 of the Agriculture Article.

4 (b) **(1)** [The] **EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS**
5 **SUBSECTION, THE** Mayor and City Council of Baltimore City or the governing body of a
6 county may grant, by law, a property tax credit not exceeding 75% of any county property
7 tax imposed on agricultural land.

8 **(2) A PROPERTY TAX CREDIT MAY NOT BE GRANTED UNDER THIS**
9 **SECTION FOR TAX IMPOSED ON LAND USED FOR THE GENERATION OF ELECTRICITY**
10 **FROM SOLAR ENERGY.**

11 (c) The Mayor and City Council of Baltimore City or the governing body of a
12 county may provide, by law, any procedural or enforcement provision necessary to carry
13 out this section.

14 (d) Valuation and assessment of agricultural land shall be made in the same
15 manner as any other real property in the county.

16 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect June
17 1, 2018, and shall be applicable to all taxable years beginning after June 30, 2018.