

Article - Agriculture

§2-505.

(a) The Maryland Agricultural Land Preservation Fund is created and continued for the purposes specified in this subtitle.

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

(1) Any money made available to the Fund by general or special fund appropriations;

(2) Any money made available to the Fund by grants or transfers from governmental or private sources; and

(3) Any money received under § 2-513(c) of this subtitle.

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

(i) For costs associated with the staffing and administration of the Maryland Agricultural Land Preservation Foundation;

(ii) For reasonable expenses incurred by the members of the board of trustees of the Maryland Agricultural Land Preservation Foundation in the performance of official duties;

(iii) For consideration in the purchase of agricultural land preservation easements beginning with fiscal year 1979 and each fiscal year thereafter;

(iv) For costs associated with acquisition of agricultural land preservation easements approved by the Foundation through the Critical Farms Program, as provided in § 2-517 of this subtitle; and

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

(2) The Maryland Agricultural Land Preservation Foundation may provide grants to the Maryland Agricultural and Resource-Based Industry Development Corporation, subject to conditions jointly agreed upon by the Foundation and the Corporation, to facilitate:

(i) An installment purchase agreement program; or

(ii) The funding of the Next Generation Farmland Acquisition Program.

(3) The Maryland Agricultural Land Preservation Foundation may provide grants to counties to facilitate:

(i) The Critical Farms Program, as provided in § 2–517 of this subtitle, subject to conditions jointly agreed upon by the Foundation and the county;

(ii) The purchase of easements under a county installment purchase agreement program approved by the Foundation, as provided in § 2–510.1 of this subtitle; and

(iii) The payment of the principal of and interest on bonds issued by a county for the sole purpose of purchasing agricultural land preservation easements that meet the requirements of this subtitle, subject to conditions jointly agreed upon by the Foundation and the county.

(4) Grants provided by the Maryland Agricultural Land Preservation Foundation may not be:

(i) Used to fund county land preservation programs; or

(ii) Pledged to secure county–issued bonds.

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

(ii) In the sole discretion of the Maryland Agricultural Land Preservation Foundation, the person for whom the lot was preliminarily released, the person who originally paid for the preliminary release, or another appropriate person may be reimbursed the amount paid to the Fund under § 2–513(b)(2)(iii) of this subtitle if:

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) 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.

(d) Any money remaining in the Fund at the end of a fiscal year may not revert to the general funds of the State, but shall remain in the Maryland Agricultural Land Preservation Fund to be used for the purposes specified in this subtitle. It is the intent of the General Assembly that, to the extent feasible, the Foundation utilize the full amount of money available for the purchase of easements in any fiscal year so as to minimize the amount of money remaining in the Fund at the end of any fiscal year.

(e) If a portion of a local subdivision's allocation of Program Open Space funds is transferred to the Maryland Agricultural Land Preservation Fund pursuant to the provisions of § 5-903 of the Natural Resources Article, the Foundation may utilize such transferred funds only for purchases of easements on land located within the boundaries of the subdivision which requested the transfer of funds. Such transferred open space funds shall be available in addition to any funds which would otherwise be allotted under this subtitle for purchases of easements in the county which requested the transfer of funds; and at the discretion of the local governing body, such transferred open space funds may be used for general purchases, or applied as the local contribution in matching purchases as required in §§ 2-508(a)(5) and 2-512(b)(1) of this subtitle.

(f) Money in the Fund from the sale of tax-exempt general obligation bonds may not be used:

(1) To purchase easements under:

(i) An installment purchase agreement, as provided in § 2-510(k)(3) of this subtitle;

(ii) A schedule of installments financed with certificates of deposit, as provided in § 2-510(k)(2) of this subtitle; or

(iii) The Critical Farms Program, as provided in § 2-517 of this subtitle; or

(2) For the payment of the principal of and interest on bonds issued by a county in accordance with subsection (c) of this section.

(g) The estimated budget of the Foundation for the next fiscal year shall be included with the budget of the Department.

(h) The Fund shall be audited annually by the Legislative Auditor in the manner prescribed by law.