# SENATE BILL 1125

By: **Senator Eckardt**
Introduced and read first time: February 16, 2018
Assigned to: Rules

## A BILL ENTITLED

1 AN ACT concerning

2 **Agricultural Land Preservation Easements – Surface Mining**

3 FOR the purpose of authorizing a landowner whose land is subject to an agricultural land
4      preservation easement to use the land for surface mining activities in accordance
5      with certain provisions of law under certain circumstances notwithstanding the
6      terms of the easement; providing for the application of this Act; and generally
7      relating to surface mining on land subject to an agricultural land preservation
8      easement.

9 BY repealing and reenacting, without amendments,
10      Article – Agriculture
11      Section 2–513(a) and (b)(1)
12      Annotated Code of Maryland
13      (2016 Replacement Volume and 2017 Supplement)

14 BY adding to
15      Article – Agriculture
16      Section 2–513(d)
17      Annotated Code of Maryland
18      (2016 Replacement Volume and 2017 Supplement)

19 BY repealing and reenacting, with amendments,
20      Article – Agriculture
21      Section 2–513(d) and (e)
22      Annotated Code of Maryland
23      (2016 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 – Agriculture**

1   2–513.

2       (a)     Agricultural land preservation easements may be purchased under this
3   subtitle for any land in agricultural use which meets the minimum criteria established
4   under § 2–509 of this subtitle if the easement and county regulations governing the use of
5   the land include the following provisions:

6           (1)     Any farm use of land is permitted.

7           (2)     Operation at any time of any machinery used in farm production or the
8   primary processing of agricultural products is permitted.

9           (3)     All normal agricultural operations performed in accordance with good
10  husbandry practices which do not cause bodily injury or directly endanger human health
11  are permitted including, but not limited to, sale of farm products produced on the farm
12  where such sales are made.

13      (b)     (1)     A landowner whose land is subject to an easement may not use the land
14  for any commercial, industrial, or residential purpose except:

15              (i)     As determined by the Foundation, for farm– and forest–related
16  uses and home occupations; or

17              (ii)    As otherwise provided under this section.

18      **(D)     NOTWITHSTANDING THE TERMS OF AN AGRICULTURAL PRESERVATION**
19  **EASEMENT ACQUIRED BY THE FOUNDATION BY PURCHASE, GRANT, GIFT,**
20  **DONATION, OR OTHERWISE, A LANDOWNER WHOSE LAND IS SUBJECT TO AN**
21  **EASEMENT MAY USE THE LAND FOR SURFACE MINING ACTIVITIES IN ACCORDANCE**
22  **WITH TITLE 15, SUBTITLE 8 OF THE ENVIRONMENT ARTICLE IF THE LAND IS**
23  **ADJACENT TO A PARCEL OF LAND THAT IS COVERED BY A VALID SURFACE MINING**
24  **PERMIT ISSUED UNDER § 15–808 OF THE ENVIRONMENT ARTICLE.**

25      [(d)] **(E)**     Purchase of an easement by the Foundation does not grant the public
26  any right of access or right of use of the subject property.

27      [(e)] **(F)**     An agricultural land preservation easement purchased under this
28  subtitle shall be included as part of a partnership under the Readiness and Environmental
29  Protection Integration Program established under 10 U.S.C. § 2684a if:

30          (1)     The land that is subject to an easement is in the vicinity of, or
31  ecologically related to, the Atlantic Test Range;

32          (2)     The landowner whose land is subject to an easement agrees to any
33  restrictions imposed on the easement under the Readiness and Environmental Protection

1 Integration Program established under 10 U.S.C. § 2684a; and

2         (3)    Funding is available to the Foundation to enter into an agreement
3 under the Readiness and Environmental Protection Integration Program established under
4 10 U.S.C. § 2684a.

5         SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
6 apply retroactively and shall be applied to and interpreted to affect any agricultural
7 preservation easement granted to the Agricultural Land Preservation Foundation before
8 July 1, 2018.

9         SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
10 1, 2018.