

# SENATE BILL 57

M4, Q1

9lr0108

(PRE-FILED)

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By: **Chair, Education, Health, and Environmental Affairs Committee (By Request  
– Departmental – Agriculture)**

Requested: October 15, 2018

Introduced and read first time: January 9, 2019

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – County Agricultural Land Preservation Programs**

3 FOR the purpose of extending for a certain number of years the length of time a county  
4 may retain certain revenue from the agricultural land transfer tax for use in certain  
5 agricultural land preservation programs; requiring the Department of Planning and  
6 the Maryland Agricultural Land Preservation Foundation, in accordance with  
7 certain provisions of law, to review any update to a county's comprehensive plan or  
8 other change that may affect a certain area; clarifying that certain provisions of law  
9 apply to an application for recertification of a county agricultural land preservation  
10 program; specifying that a county that applies for certification or recertification of  
11 an agricultural land preservation program must include a priority preservation  
12 element in the county's comprehensive plan; and generally relating to county  
13 agricultural land preservation programs.

14 BY repealing and reenacting, with amendments,  
15 Article – Agriculture  
16 Section 2–504.1(d), 2–514(i), 2–516, and 2–518  
17 Annotated Code of Maryland  
18 (2016 Replacement Volume and 2018 Supplement)

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

21 **Article – Agriculture**

22 2–504.1.

23 (d) Duties of each agricultural preservation advisory board shall be:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) To advise the county governing body with respect to the establishment  
2 of agricultural districts and the approval of purchases of easements by the Foundation  
3 within the county;

4 (2) To assist the county governing body in reviewing the status of  
5 agricultural districts and land under easement;

6 (3) To advise the Foundation concerning county priorities for agricultural  
7 preservation;

8 (4) To approve or disapprove an application by the county for certification  
9 **OR RECERTIFICATION** under § 5–408 of the State Finance and Procurement Article;

10 (5) To promote preservation of agriculture within the county by offering  
11 information and assistance to farmers with respect to establishment of districts and  
12 purchase of easements;

13 (6) To meet at least annually with forest conservation district boards in  
14 order to work cooperatively to encourage the promotion and retention of farmland and  
15 woodland in their respective jurisdictions; and

16 (7) To perform any other duties as assigned by the county governing body.  
17 2–514.

18 (i) (1) If the request for termination is approved, two fair market value  
19 appraisals of the subject land shall be ordered by the Department of General Services at  
20 the direction of the Foundation at the expense of the landowner requesting termination of  
21 the easement.

22 (2) The subject land shall be appraised as of the date of the approval of the  
23 request for termination.

24 (3) The Department of General Services shall review the two appraisals  
25 and shall determine, subject to approval of the Board of Public Works, the fair market value  
26 of the subject land and shall issue a written statement as to the approved fair market value  
27 to the Foundation.

28 (4) (i) Upon receipt of the written statement from the Department of  
29 General Services, the Foundation shall issue a notification to the landowner of the approved  
30 fair market value.

31 (ii) The landowner shall have not more than 30 days from the date  
32 of the notification to elect to repurchase the easement for the fair market value as  
33 determined by the Department of General Services.

34 (5) (i) 1. No more than 180 days following the notification required

1 under paragraph (4) of this subsection, the landowner may repurchase the easement by  
2 paying to the Foundation the difference between the approved fair market value and the  
3 agricultural value of the subject land.

4                                   2. For purposes of this paragraph, the fair market value is  
5 the same as set forth under § 2–511(b) of this subtitle.

6                                   (ii) For purposes of this paragraph, the agricultural value of the land  
7 is determined by the appraisal method that was in effect at the time the easement was  
8 acquired by the Foundation, either by the agricultural appraisal formula under § 2–511(d)  
9 of this subtitle or by an appraisal that determines the price as of the valuation date which  
10 a vendor, willing but not obligated to sell, would accept, and which a purchaser, willing but  
11 not obligated to buy, would pay for a farm unit with land comparable in quality and  
12 composition to the property being appraised.

13                                   (iii) 1. In the case of the termination of an easement that was  
14 originally purchased under a matching allotted purchase, the Foundation shall distribute  
15 to the contributing county a portion of the repurchase payment received under  
16 subparagraph (i) of this paragraph that is equal to the percentage of the original easement  
17 purchase price contributed by the county.

18                                   2. A. From the funds distributed to a county under this  
19 subparagraph, the county shall deposit in the county’s special account for its agricultural  
20 land preservation program an amount that is at least equal to the percentage of the original  
21 easement purchase price that was paid out of the special account.

22                                   B. If any of the funds deposited in the county’s special  
23 account have not been expended or committed within [3 years from the date of deposit into  
24 the special account] **THE PERIOD OF TIME PRESCRIBED IN § 13–306(C)(2) AND (D) OF**  
25 **THE TAX – PROPERTY ARTICLE**, the county collector shall remit those funds to the  
26 Comptroller for deposit in the Maryland Agricultural Land Preservation Fund as provided  
27 in § 13–306(d) of the Tax – Property Article.

28                                   3. The county shall deposit the balance of the funds  
29 distributed to it under this subparagraph in the county’s general fund.

30                                   4. If an easement is terminated, the Foundation shall deposit  
31 its portion of the repurchase payment in the Maryland Agricultural Land Preservation  
32 Fund as provided under § 2–505 of this subtitle.

33 2–516.

34 The Foundation shall provide its approval or disapproval of an application by a  
35 county for certification **OR RECERTIFICATION** under § 5–408 of the State Finance and  
36 Procurement Article.

37 2–518.

1 (a) In this section, “area” means a priority preservation area.

2 (b) **(1)** A county may include a priority preservation area element in the  
3 county’s comprehensive plan.

4 **(2) A COUNTY THAT APPLIES FOR CERTIFICATION OR**  
5 **RECERTIFICATION UNDER § 5–408 OF THE STATE FINANCE AND PROCUREMENT**  
6 **ARTICLE SHALL INCLUDE A PRIORITY PRESERVATION AREA ELEMENT IN THE**  
7 **COUNTY’S COMPREHENSIVE PLAN.**

8 (c) An area shall:

9 (1) (i) Contain productive agricultural or forest soils; or

10 (ii) Be capable of supporting profitable agricultural and forestry  
11 enterprises where productive soils are lacking;

12 (2) Be governed by local policies, ordinances, regulations, and procedures  
13 that:

14 (i) Stabilize the agricultural and forest land base so that  
15 development does not convert or compromise agricultural or forest resources; and

16 (ii) Support the ability of working farms in the priority preservation  
17 area to engage in normal agricultural activities; and

18 (3) Be large enough to support normal agricultural and forestry activities  
19 in conjunction with the amount of development permitted by the county in the priority  
20 preservation area, as represented in its adopted comprehensive plan.

21 (d) An area may:

22 (1) Consist of a single parcel of land, multiple connected parcels of land, or  
23 multiple unconnected parcels of land; and

24 (2) Include rural legacy areas.

25 (e) A county’s acreage goal for land to be preserved through easements and zoning  
26 within an area shall be equal to at least 80% of the remaining undeveloped land in the area,  
27 as calculated at the time of application for State certification of an area.

28 (f) Each time a county’s comprehensive plan is updated, the update shall include  
29 an evaluation of:

30 (1) The county’s progress toward meeting the goals of the Foundation;

1                   (2) Any shortcomings in the county's ability to achieve the goals of the  
2 Foundation; and

3                   (3) Past, current, and planned actions to correct any identified  
4 shortcomings.

5           (g) In accordance with § 5-408 of the State Finance and Procurement Article and  
6 any regulations adopted under the authority of that section, the Department of Planning  
7 and the Maryland Agricultural Land Preservation Foundation shall jointly certify an area.

8           **(H) IN ACCORDANCE WITH § 5-408 OF THE STATE FINANCE AND**  
9 **PROCUREMENT ARTICLE, THE DEPARTMENT OF PLANNING AND THE MARYLAND**  
10 **AGRICULTURAL LAND PRESERVATION FOUNDATION SHALL REVIEW ANY UPDATE**  
11 **TO A COUNTY'S COMPREHENSIVE PLAN OR ANY OTHER CHANGE THAT MAY AFFECT**  
12 **AN AREA.**

13           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
14 1, 2019.