

# SENATE BILL 58

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9lr0109

(PRE-FILED)

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

Requested: October 10, 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 **Maryland Agricultural Land Preservation Foundation – Elimination of District**  
3 **Agreements**

4 FOR the purpose of deleting obsolete references to district agreements within the Maryland  
5 Agricultural Land Preservation Foundation program; codifying the elimination of  
6 certain district agreements and the continuation of certain agricultural land  
7 preservation districts; and generally relating to the elimination of district  
8 agreements within the Maryland Agricultural Land Preservation Foundation  
9 program.

10 BY repealing and reenacting, with amendments,  
11 Article – Agriculture  
12 Section 2–504.1  
13 Annotated Code of Maryland  
14 (2016 Replacement Volume and 2018 Supplement)

15 BY adding to  
16 Article – Agriculture  
17 Section 2–509.1  
18 Annotated Code of Maryland  
19 (2016 Replacement Volume and 2018 Supplement)

20 BY repealing  
21 Chapter 650 of the Acts of the General Assembly of 2007  
22 Section 2 and 3

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Agriculture**

2 2–504.1.

3 (a) In each county containing productive agricultural land, the county governing  
4 body shall appoint an agricultural preservation advisory board.

5 (b) (1) Except as provided in paragraphs (2) and (3) of this subsection, the  
6 agricultural preservation advisory board shall consist of five members, at least three of  
7 whom shall be owner–operators of commercial farms who earn 50 percent or more of their  
8 income from farming.

9 (2) In Worcester County, the agricultural preservation advisory board shall  
10 consist of seven members, at least four of whom shall be owner–operators of commercial  
11 farms who earn 50 percent or more of their income from farming.

12 (3) In St. Mary’s County, the agricultural preservation advisory board shall  
13 consist of five members, at least three of whom shall be actively pursuing the production of  
14 agricultural products for profit.

15 (c) (1) Except as provided in paragraph (2) of this subsection, each member of  
16 an agricultural preservation advisory board shall be appointed for a term of office of five  
17 years.

18 (2) In Charles County and in Worcester County, a member shall serve a  
19 term of office of 4 years.

20 (3) No member shall serve for more than two consecutive full terms.

21 (4) Appointment to fill a vacancy shall be for the remainder of the  
22 unexpired term.

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

24 (1) To advise the county governing body with respect to [the establishment  
25 of agricultural districts and] the approval of purchases of easements by the Foundation  
26 within the county;

27 (2) To assist the county governing body in reviewing the status of  
28 [agricultural districts and] land under easement;

29 (3) To advise the Foundation concerning county priorities for agricultural  
30 preservation;

31 (4) To approve or disapprove an application by the county for certification  
32 under § 5–408 of the State Finance and Procurement Article;

1 (5) To promote preservation of agriculture within the county by offering  
2 information and assistance to farmers with respect to [establishment of districts and] **THE**  
3 purchase of easements;

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

7 (7) To perform any other duties as assigned by the county governing body.

8 **2-509.1.**

9 (A) **EFFECTIVE JULY 1, 2007, DISTRICTS MAY NOT BE A REQUIREMENT FOR**  
10 **THE EASEMENT APPLICATION PROCESS TO THE FOUNDATION.**

11 (B) (1) **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**  
12 **AS OF JUNE 30, 2012, ALL DISTRICTS HELD BY THE FOUNDATION SHALL BE**  
13 **TERMINATED AND A LANDOWNER MAY NOT BE BOUND TO THE TERMS OF ANY**  
14 **FOUNDATION DISTRICT AGREEMENT.**

15 (2) **THE FOLLOWING AGRICULTURAL LAND PRESERVATION**  
16 **DISTRICTS SHALL REMAIN IN FORCE AND MAY NOT BE TERMINATED:**

17 (I) **ANY DISTRICT IN WHICH AN EASEMENT HAS BEEN**  
18 **TRANSFERRED TO THE FOUNDATION; AND**

19 (II) **ANY DISTRICT ESTABLISHED TO PROVIDE A PROPERTY TAX**  
20 **CREDIT TO A LANDOWNER.**

21 **Chapter 650 of the Acts of 2007**

22 **[SECTION 2. AND BE IT FURTHER ENACTED, That:**

23 (a) **Effective July 1, 2007, districts may not be a requirement for the easement**  
24 **application process to the Maryland Agricultural Land Preservation Foundation; and**

25 (b) **Except as provided in Section 3 of this Act, as of June 30, 2012, all districts in**  
26 **the Maryland Agricultural Land Preservation Foundation shall be terminated and a**  
27 **landowner may not be bound to the terms of any Foundation district agreement.]**

28 **[SECTION 3. AND BE IT FURTHER ENACTED, That the following agricultural**  
29 **land preservation districts established under § 2-509 of the Agriculture Article or by a**  
30 **county shall remain in force and may not be terminated:**

31 (a) **Any district in which an easement has been transferred to the Foundation;**

1 and

2 (b) Any district established by a county and a landowner for the purpose of  
3 providing a property tax credit to the landowner.]

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2019.