
By: **Chairman, Appropriations Committee (Departmental - Agriculture)**

Introduced and read first time: February 4, 1998

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Foundation - Easements**

3 FOR the purpose of requiring each county governing body to rank certain applications

4 to sell certain easements based on certain locally established priorities;

5 requiring the Maryland Agricultural Land Preservation Foundation to rank

6 certain applications and submit offers to buy certain easements based on certain

7 locally established priorities; and generally relating to the Maryland

8 Agricultural Land Preservation Foundation.

9 BY repealing and reenacting, with amendments,

10 Article - Agriculture

11 Section 2-510(e) and (f)

12 Annotated Code of Maryland

13 (1985 Replacement Volume and 1997 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Agriculture**

17 2-510.

18 (e) Within 30 days after the receipt of an application to sell, the Foundation

19 shall notify the governing body of the county containing the subject land, that an

20 application to sell has been received. Within 60 days of the notification, the county

21 governing body shall advise the Foundation as to local approval or disapproval of the

22 application. The Foundation shall grant a 30-day extension of this response period if

23 the county governing body applies to the Foundation for an extension and states its

24 reasons for seeking an extension. In deciding whether to approve the application, the

25 county governing body SHALL RANK ALL APPLICATIONS BASED ON THE COUNTY

26 GOVERNING BODY'S LOCALLY ESTABLISHED PRIORITIES AS APPROVED BY THE

27 FOUNDATION AND shall receive the recommendation of the county agricultural

28 preservation advisory board established under § 2-504.1 of this subtitle. In making

29 its recommendation, the county agricultural preservation advisory board shall [take

30 into consideration criteria and standards established by the Foundation under this

1 subtitle; current local regulations, local patterns of land development, and any locally
 2 established priorities] RECOMMEND FOR RANKING ANY APPLICATION THAT
 3 QUALIFIES AND MEETS THE PRIORITIES ESTABLISHED BY THE COUNTY GOVERNING
 4 BODY for the preservation of agricultural land. The county agricultural preservation
 5 advisory board shall provide a public hearing concerning any application to sell if
 6 such a hearing is requested by a majority of the county agricultural preservation
 7 advisory board, or by a majority of the county governing body, or by the applicant. The
 8 board of trustees of the Foundation shall not approve any application to sell which
 9 has not been approved by the governing body of the county containing the subject
 10 land.

11 (f) (1) In determining which applications it shall approve for the purchase
 12 of the easements offered for sale in each fiscal year under this section, the
 13 Foundation:

14 (i) May approve only those applications in which the subject land
 15 meets the criteria and standards established under §§ 2-509 and 2-513 of this
 16 subtitle; [and]

17 (ii) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS
 18 PARAGRAPH, SHALL RANK THE APPLICATIONS AND SUBMIT OFFERS TO BUY AT THE
 19 BEGINNING OF EACH OFFER CYCLE BASED ON THE PRIORITY ESTABLISHED BY EACH
 20 ELIGIBLE COUNTY FOR THE PRESERVATION OF AGRICULTURAL LAND; AND

21 (III) [Shall] FOR OFFERS TO BUY SUBMITTED ON A STATEWIDE
 22 BASIS, SHALL rank [the] ADDITIONAL applications and submit offers to buy in order
 23 of priority, as provided in PARAGRAPH (2) OF this subsection.

24 (2) The Foundation shall adopt by regulation a standard priority ranking
 25 system FOR ADDITIONAL OFFERS TO BUY by which it shall rank each application. The
 26 system shall be based on the following criteria as to the easements offered in any one
 27 county:

28 (i) The applications shall be assigned a rank in ascending order
 29 with respect to the proportion obtained by dividing the asking price by the State
 30 easement value. The resulting rank shall be the sole criterion for establishing the
 31 priority for discounted applications that include proportions of 1.0 or lower.

32 (ii) All additional applications which include proportions greater
 33 than 1.0 shall be assigned a numerical value that, in regard to the land for which the
 34 easement is offered, reflects:

- 35 1. The relative productive capacity of the land;
- 36 2. The extent to which the easement acquisition will
 37 contribute to the continued availability of agricultural suppliers and markets for
 38 agricultural goods; and
- 39 3. The priority recommendations of the local governing
 40 bodies.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect July 1, 1998.