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

Introduced and read first time: February 4, 1998

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 1998

CHAPTER _____

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

1 reasons for seeking an extension. In deciding whether to approve the application, the
2 county governing body SHALL RANK ALL APPLICATIONS BASED ON THE COUNTY
3 GOVERNING BODY'S LOCALLY ESTABLISHED PRIORITIES AS APPROVED BY THE
4 FOUNDATION, WHICH MAY INCLUDE A SYSTEM THAT RANKS PROPERTIES IN
5 ASCENDING ORDER WITH RESPECT TO THE PROPORTION OBTAINED BY DIVIDING
6 THE ASKING PRICE BY THE STATE EASEMENT VALUE TO ENHANCE COMPETITIVE
7 BIDDING, AND shall receive the recommendation of the county agricultural
8 preservation advisory board established under § 2-504.1 of this subtitle. In making
9 its recommendation, the county agricultural preservation advisory board shall [take
10 into consideration criteria and standards established by the Foundation under this
11 subtitle; current local regulations, local patterns of land development, and any locally
12 established priorities] RECOMMEND FOR RANKING ANY APPLICATION THAT
13 QUALIFIES AND MEETS THE PRIORITIES ESTABLISHED BY THE COUNTY GOVERNING
14 BODY for the preservation of agricultural land. The county agricultural preservation
15 advisory board shall provide a public hearing concerning any application to sell if
16 such a hearing is requested by a majority of the county agricultural preservation
17 advisory board, or by a majority of the county governing body, or by the applicant. The
18 board of trustees of the Foundation shall not approve any application to sell which
19 has not been approved by the governing body of the county containing the subject
20 land.

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

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

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

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

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

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

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

- 4 1. The relative productive capacity of the land;
- 5 2. The extent to which the easement acquisition will
6 contribute to the continued availability of agricultural suppliers and markets for
7 agricultural goods; and
- 8 3. The priority recommendations of the local governing
9 bodies.

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