
By: **Chairman, Environmental Matters Committee (Departmental -
Agriculture)**

Introduced and read first time: February 10, 1999

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of allowing each county governing body to rank certain applications
4 to sell certain easements based on certain locally established priorities that
5 have been approved by the Foundation; altering the basis on which a county
6 agricultural preservation advisory board shall make certain recommendations
7 for ranking applications to sell easements under certain circumstances;
8 providing that the Foundation rank certain applications and submit offers to
9 buy certain easements based on certain Foundation-approved, locally
10 established priorities; and generally relating to the Maryland Agricultural Land
11 Preservation Foundation.

12 BY repealing and reenacting, with amendments,
13 Article - Agriculture
14 Section 2-510(e) and (f)
15 Annotated Code of Maryland
16 (1985 Replacement Volume and 1998 Supplement)

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

19 **Article - Agriculture**

20 2-510.

21 (e) (1) Within 30 days after the receipt of an application to sell, the
22 Foundation shall notify the governing body of the county containing the subject land,
23 that an application to sell has been received. Within 60 days of the notification, the
24 county governing body shall advise the Foundation as to local approval or disapproval
25 of the application. The Foundation shall grant a 30-day extension of this response
26 period if the county governing body applies to the Foundation for an extension and
27 states its reasons for seeking an extension.

1 (2) In deciding whether to approve the application, the county governing
2 body shall:

3 (I) [receive] RECEIVE the recommendation of the county
4 agricultural preservation advisory board established under § 2-504.1 of this
5 subtitle[.]; AND

6 (II) RANK ALL APPLICATIONS BASED ON ITS LOCALLY
7 ESTABLISHED PRIORITIES AS APPROVED BY THE FOUNDATION, WHICH, FOR
8 PURPOSES OF ENHANCING COMPETITIVE BIDDING, MAY INCLUDE A SYSTEM THAT
9 RANKS PROPERTIES IN ASCENDING ORDER WITH RESPECT TO THE PROPORTION
10 OBTAINED BY DIVIDING THE ASKING PRICE BY THE VALUE OF THE EASEMENT.

11 (3) In making its recommendation, the county agricultural preservation
12 advisory board shall:

13 (I) [take] TAKE into consideration criteria and standards
14 established by the Foundation under this subtitle[;], current local regulations, local
15 patterns of land development, THE KINDS OF PRESSURES TO DEVELOP THE SUBJECT
16 LAND, STATE SMART GROWTH GOALS, and any locally established priorities for the
17 preservation of agricultural land[.] ; AND

18 (II) RECOMMEND FOR RANKING ANY APPLICATION THAT
19 QUALIFIES AND MEETS THE PRIORITIES ESTABLISHED BY THE COUNTY GOVERNING
20 BODY FOR THE PRESERVATION OF AGRICULTURAL LAND.

21 (4) The county agricultural preservation advisory board shall provide a
22 public hearing concerning any application to sell if such a hearing is requested by a
23 majority of the county agricultural preservation advisory board, or by a majority of
24 the county governing body, or by the applicant.

25 (5) The board of trustees of the Foundation shall not approve any
26 application to sell which has not been approved by the governing body of the county
27 containing the subject land.

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

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

34 (ii) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS
35 PARAGRAPH, RANK THE APPLICATIONS AND SUBMIT OFFERS TO BUY AT THE
36 BEGINNING OF EACH OFFER CYCLE BASED ON THE APPROVED PRIORITIES
37 ESTABLISHED BY EACH ELIGIBLE COUNTY FOR THE PRESERVATION OF
38 AGRICULTURAL LAND; AND

1 (III) FOR APPLICATIONS COMPETING ON A STATEWIDE BASIS
2 FOLLOWING THE INITIAL ROUND OF OFFERS, [Shall] SHALL rank the applications
3 and submit offers to buy in order of priority, as provided in PARAGRAPH (2) OF this
4 subsection.

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

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

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

- 16 1. The relative productive capacity of the land;
- 17 2. The extent to which the easement acquisition will
18 contribute to the continued availability of agricultural suppliers and markets for
19 agricultural goods; and
- 20 3. The priority recommendations of the local governing
21 bodies.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
23 effect June 1, 1999.