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

Introduced and read first time: February 10, 1999

Assigned to: Environmental Matters

Reassigned: Appropriations, February 15, 1999

Committee Report: Favorable

House action: Adopted

Read second time: March 24, 1999

CHAPTER _____

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:

1

Article - Agriculture

2 2-510.

3 (e) (1) Within 30 days after the receipt of an application to sell, the
4 Foundation shall notify the governing body of the county containing the subject land,
5 that an application to sell has been received. Within 60 days of the notification, the
6 county governing body shall advise the Foundation as to local approval or disapproval
7 of the application. The Foundation shall grant a 30-day extension of this response
8 period if the county governing body applies to the Foundation for an extension and
9 states its reasons for seeking an extension.

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

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

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

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

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

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

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

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

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

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

4 (ii) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS
5 PARAGRAPH, RANK THE APPLICATIONS AND SUBMIT OFFERS TO BUY AT THE
6 BEGINNING OF EACH OFFER CYCLE BASED ON THE APPROVED PRIORITIES
7 ESTABLISHED BY EACH ELIGIBLE COUNTY FOR THE PRESERVATION OF
8 AGRICULTURAL LAND; AND

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

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

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

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

24 1. The relative productive capacity of the land;

25 2. The extent to which the easement acquisition will
26 contribute to the continued availability of agricultural suppliers and markets for
27 agricultural goods; and

28 3. The priority recommendations of the local governing
29 bodies.

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

