

SENATE BILL 255

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2000 Regular Session
0lr1746
CF 0lr0721

By: **Senators Middleton, Colburn, Munson, Hogan, Baker, Hooper, Collins,
Jimeno, Bromwell, Haines, Jacobs, Dyson, Hafer, Mooney, and Stoltzfus**
Introduced and read first time: January 28, 2000
Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture - Land Preservation Matching Grants Act of 2000**

3 FOR the purpose of requiring the State to provide certain agricultural land
4 preservation matching grants to certain counties in a certain fiscal year;
5 limiting use of the funds to certain purposes; providing for the termination of
6 this Act; and generally relating to agricultural land preservation programs.

7 BY adding to
8 Article - Agriculture
9 Section 2-508.2
10 Annotated Code of Maryland
11 (1999 Replacement Volume and 1999 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article - Agriculture
14 Section 2-512
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 1999 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 2-508.2.

21 (A) IN FISCAL YEAR 2002 ONLY, THE STATE SHALL PROVIDE GRANTS AS
22 PROVIDED IN THIS SECTION TO EACH COUNTY CERTIFIED BY THE OFFICE OF
23 PLANNING UNDER § 5-408 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AS
24 OPERATING AN EFFECTIVE COUNTY AGRICULTURAL LAND PRESERVATION
25 PROGRAM.

26 (B) THE GRANTS SHALL BE ADMINISTERED BY THE MARYLAND
27 AGRICULTURAL LAND PRESERVATION FOUNDATION.

1 (C) A COUNTY SHALL RECEIVE A GRANT UNDER THIS SECTION IN AN AMOUNT
2 EQUAL TO THE LESSER OF:

3 (1) \$1,000,000; OR

4 (2) THE INCREASE IN THE COUNTY'S GENERAL FUNDS USED FOR
5 AGRICULTURAL LAND PRESERVATION PROGRAMS APPROVED UNDER § 2-512 OF THIS
6 SUBTITLE IN STATE FISCAL YEAR 2001 OVER STATE FISCAL YEAR 2000.

7 (D) A COUNTY MAY USE THE FUNDS DISTRIBUTED UNDER THIS SECTION
8 ONLY FOR AN AGRICULTURAL LAND PRESERVATION PROGRAM APPROVED UNDER §
9 2-512 OF THIS SUBTITLE.

10 (E) A COUNTY MAY ESTABLISH AN APPROVED AGRICULTURAL LAND
11 PRESERVATION PROGRAM DURING FISCAL YEAR 2001 AND QUALIFY FOR A GRANT
12 UNDER SUBSECTION (C) OF THIS SECTION.

13 2-512.

14 (a) The Foundation may not approve matching allotted purchases of
15 easements for land located in any county which has not secured approval from the
16 Foundation for a local program of agricultural land preservation.

17 (b) The Foundation may approve a local program of agricultural land
18 preservation upon request of a county, provided that:

19 (1) The county shall agree to make payments up to a specified aggregate
20 amount to the Maryland Agricultural Land Preservation Fund to equal at least 40
21 percent of the value of any easement acquired by the Foundation as a result of a
22 matching allotted purchase, made during the ensuing fiscal year; and

23 (2) The county shall show evidence that any county program for the
24 acquisition of agricultural land for preservation, or easements for purposes of
25 preservation of agricultural land, will not result in preservation of land which does
26 not meet the minimum standards set by the Foundation under § 2-509 of this
27 subtitle; and

28 (3) The request for approval of a local program must be submitted to the
29 Foundation, together with any necessary agreements not later than 90 days prior to
30 the beginning of the fiscal year for which approval is being sought.

31 (c) Approval of a local program by the Foundation is valid only during the
32 next fiscal year following the fiscal year of the request for approval by the county.

33 (d) Local programs shall be approved upon the affirmative vote of a majority
34 of the Foundation members at-large, and upon approval of the Secretary and the
35 State Treasurer.

36 (e) (1) In this subsection, "development rights" mean the potential for
37 improvement of a parcel of real property that is measured in dwelling units or units of

1 commercial or industrial space and that exist because of the zoning classification of
2 the parcel.

3 (2) A county shall use that county's unencumbered and uncommitted
4 matching funds and any additional funds under § 2-508.1 of this subtitle available to
5 a county certified by the Office of Planning and the Foundation under § 5-408 of the
6 State Finance and Procurement Article to purchase development rights and
7 guarantee loans that are collateralized by development rights for agricultural land
8 that meets the minimum standards set by the Foundation under § 2-509(c) of this
9 subtitle, except as provided in paragraph (3) of this subsection.

10 (3) For a county certified by the Office of Planning and the Foundation
11 under § 5-408 of the State Finance and Procurement Article, in lieu of any acreage
12 requirement set by the Foundation under § 2-509(c) of this subtitle, development
13 rights purchased by or collateralizing loans guaranteed by a county under this
14 subsection shall be for agricultural land of significant size to promote an agricultural
15 operation.

16 (4) This subsection may not be construed to prohibit any county from
17 accepting funds from private sources and using those private funds to purchase
18 development rights or guarantee loans that are collateralized by development rights.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2000. It shall remain effective for a period of two years and, at the end of
21 September 30, 2002, with no further action required by the General Assembly, this
22 Act shall be abrogated and of no further force and effect.