

SENATE BILL 337

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M4
HB 186/00 - APP

2001 Regular Session
11r2410
CF 11r0871

By: **Senator Middleton**

Introduced and read first time: January 31, 2001

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture - Land Preservation Grants Act of 2001**

3 FOR the purpose of establishing the Agricultural Land Preservation Supplementary
4 Grants Fund; requiring the Maryland Agricultural Land Preservation
5 Foundation to administer the Fund and establish certain application
6 procedures; requiring the State to provide certain agricultural land preservation
7 grants to certain counties; limiting use of the funds to certain purposes;
8 providing that certain moneys in the Fund not spent by a certain date shall be
9 transferred to the Maryland Agricultural Land Preservation Fund to be used for
10 certain purposes; providing for the termination of this Act; and generally
11 relating to agricultural land preservation programs.

12 BY adding to
13 Article - Agriculture
14 Section 2-508.2
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2000 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article - Agriculture
19 Section 2-512
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2000 Supplement)

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

24 **Article - Agriculture**

25 2-508.2.

26 (A) IN THIS SECTION, "FUND" MEANS THE AGRICULTURAL LAND
27 PRESERVATION SUPPLEMENTARY GRANTS FUND.

1 (B) THERE IS AN AGRICULTURAL LAND PRESERVATION SUPPLEMENTARY
2 GRANTS FUND WITHIN THE DEPARTMENT.

3 (C) (1) THE FUND IS A CONTINUING, NONLAPSING FUND THAT IS NOT
4 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

5 (2) THE TREASURER SHALL SEPARATELY HOLD AND THE COMPTROLLER
6 SHALL ACCOUNT FOR THE FUND.

7 (3) THE TREASURER SHALL INVEST THE FUND IN THE SAME MANNER AS
8 OTHER STATE FUNDS AND CREDIT ANY INVESTMENT EARNINGS TO THE FUND.

9 (D) THE FUND CONSISTS OF:

10 (1) MONEYS APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

11 (2) EARNINGS FROM THE INVESTMENT OF MONEYS IN THE FUND.

12 (E) (1) THE FUND SHALL BE ADMINISTERED BY THE MARYLAND
13 AGRICULTURAL LAND PRESERVATION FOUNDATION.

14 (2) THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
15 SHALL ESTABLISH APPLICATION PROCEDURES FOR COUNTIES TO APPLY FOR
16 GRANTS FROM THE FUND.

17 (F) A COUNTY THAT IS NOT CERTIFIED UNDER § 5-408 OF THE STATE FINANCE
18 AND PROCUREMENT ARTICLE ON JULY 1, 2001 SHALL RECEIVE A GRANT FROM THE
19 FUND OF NO MORE THAN \$50,000 TO DEVELOP LAND USE AND PRESERVATION PLANS
20 AND POLICIES THAT:

21 (1) SUPPORT THE PRESERVATION OF AGRICULTURAL LAND; AND

22 (2) ARE NECESSARY FOR CERTIFICATION UNDER § 5-408 OF THE STATE
23 FINANCE AND PROCUREMENT ARTICLE.

24 (G) (1) A COUNTY THAT IS CERTIFIED UNDER § 5-408 OF THE STATE
25 FINANCE AND PROCUREMENT ARTICLE BY JUNE 30, 2002 SHALL RECEIVE A GRANT
26 FROM THE FUND OF \$100,000.

27 (2) A COUNTY THAT RECEIVES A GRANT UNDER THIS SUBSECTION MAY
28 ONLY USE THE FUNDS FOR THE PURCHASE OF AN AGRICULTURAL LAND
29 PRESERVATION EASEMENT TO BE HELD BY THE MARYLAND AGRICULTURAL LAND
30 PRESERVATION FOUNDATION OR A COUNTY THAT HAS BEEN CERTIFIED UNDER §
31 5-408 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

32 (H) (1) A COUNTY THAT IS CERTIFIED UNDER § 5-408 OF THE STATE
33 FINANCE AND PROCUREMENT ARTICLE OR THAT PARTICIPATES IN THE MATCHING
34 PROGRAM ESTABLISHED UNDER § 2-512 OF THIS ARTICLE SHALL RECEIVE A GRANT
35 FROM THE FUND IN AN AMOUNT EQUAL TO THE LESSER OF:

36 (I) \$200,000; OR

1 (II) TWICE THE INCREASE IN THE COUNTY'S MATCHING FUND
2 COMMITMENT IN STATE FISCAL YEAR 2003 OVER STATE FISCAL YEAR 2001 FROM
3 SOURCES OTHER THAN THE STATE AGRICULTURAL TRANSFER TAX COLLECTIONS.

4 (2) A COUNTY THAT RECEIVES A GRANT UNDER THIS SUBSECTION MAY
5 ONLY USE THE FUNDS FOR THE PURCHASE OF AN AGRICULTURAL LAND
6 PRESERVATION EASEMENT TO BE HELD BY THE MARYLAND AGRICULTURAL LAND
7 PRESERVATION FOUNDATION OR A COUNTY THAT HAS BEEN CERTIFIED UNDER §
8 5-408 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

9 (I) A COUNTY MAY NOT RECEIVE GRANTS FROM THE FUND TOTALING MORE
10 THAN \$300,000.

11 (J) (1) ANY GRANTS AWARDED TO A COUNTY FROM THE FUND THAT ARE
12 NOT SPENT BY JULY 1, 2004 SHALL BE TRANSFERRED TO THE MARYLAND
13 AGRICULTURAL LAND PRESERVATION FUND TO BE USED TO PURCHASE EASEMENTS
14 AS PROVIDED IN § 2-508.1(C) OF THIS ARTICLE.

15 (2) ANY MONEYS IN THE FUND THAT ARE NOT AWARDED BY JULY 1, 2004
16 SHALL BE TRANSFERRED TO THE MARYLAND AGRICULTURAL LAND PRESERVATION
17 FUND TO BE USED TO PURCHASE EASEMENTS AS PROVIDED IN § 2-508.1(C) OF THIS
18 ARTICLE.

19 2-512.

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

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

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

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

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

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

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

4 (e) (1) In this subsection, "development rights" mean the potential for
5 improvement of a parcel of real property that is measured in dwelling units or units of
6 commercial or industrial space and that exist because of the zoning classification of
7 the parcel.

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

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

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 July 1, 2001. It shall remain effective for a period of 4 years and, at the end of June
26 30, 2005, with no further action required by the General Assembly, this Act shall be
27 abrogated and of no further force and effect.