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## (PRE-FILED)

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

Requested: November 15, 2004

Introduced and read first time: January 12, 2005

Assigned to: Environmental Matters

Committee Report: Favorable House action: Adopted

Read second time: February 8, 2005

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CHAPTER

## 1 AN ACT concerning

- 2 Maryland Agricultural Land Preservation Easement Termination County Notification
- 4 FOR the purpose of altering the time period within which a county is required to
- 5 notify the Maryland Agricultural Land Preservation Foundation of a certain
- 6 decision; making technical corrections; and generally relating to the Maryland
- 7 Agricultural Land Preservation Foundation.
- 8 BY repealing and reenacting, with amendments,
- 9 Article Agriculture
- 10 Section 2-514
- 11 Annotated Code of Maryland
- 12 (1999 Replacement Volume and 2004 Supplement)
- 13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 14 MARYLAND, That the Laws of Maryland read as follows:

# 15 Article - Agriculture

16 2-514.

- 17 (a) It is the intent of the General Assembly that any easement whose purchase
- 18 is approved by the Board of Public Works on or before September 30, 2004, be held by
- 19 the Foundation for as long as profitable farming is feasible on the land under
- 20 easement, and an easement may be terminated only in the manner and at the time
- 21 specified in this section.

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	(b) Except as provided in subsection (h) of this section, any time after 25 years from the date of purchase of an easement, the landowner may request that the easement be reviewed for possible termination of the easement.
	(c) (1) Upon a request for review of an easement for termination, an inquiry shall be conducted by the Foundation to determine the feasibility of profitable farming on the subject land.
7	(2) The inquiry shall include:
8	(i) On-site inspection of the subject land; and
9 10	(ii) A public hearing conducted by the Foundation board within the county containing the subject land after adequate public notice.
	(3) The inquiry shall be concluded and a decision reached by the Foundation within 180 days after the request for termination, unless the landowner requests a hearing under subsection (h) of this section.
16 17 18 19 20 21	(d) An easement may be terminated only with the approval of the governing body of the county containing the subject land. In deciding whether to approve the request for termination, the county governing body shall receive the recommendation of the county agricultural preservation advisory board established under § 2-504.1 of this subtitle. The decision of the county governing body shall be made after the public hearing required in [paragraph] SUBSECTION (c) OF THIS SECTION. The county governing body shall notify the Foundation of its decision within [30] 90 days after the conclusion of the public hearing required in [paragraph] SUBSECTION (c) OF THIS SECTION.
	(e) Upon the affirmative vote of a majority of the Foundation members at-large, and upon the approval of the Secretary and the State Treasurer, the request for termination shall be approved, and the landowner shall be notified.
	(f) (1) If the request for termination is approved, an appraisal of the subject land shall be ordered by the Foundation at the expense of the landowner requesting termination of the easement.
31	(2) (i) No more than 180 days following the appraisal required under paragraph (1) of this subsection, the landowner may repurchase the easement by paying to the Foundation the difference between the fair market value and the agricultural value of the subject land, as determined by the appraisal.
35 36	(ii) For purposes of this paragraph, the agricultural value is the price as of the valuation date which a vendor, willing but not obligated to sell, would accept, and which a purchaser, willing but not obligated to buy, would pay for a farm unit with land comparable in quality and composition to the property being appraised, but located in the nearest location where profitable farming is feasible.
38 39	(iii) 1. In the case of the termination of an easement that was originally purchased under a matching allotted purchase, the Foundation shall

34

35 effect October 1, 2005.

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1 distribute to the contributing county a portion of the repurchase payment received 2 under subparagraph (i) of this paragraph that is equal to the percentage of the 3 original easement purchase price contributed by the county. From the funds distributed to a county under this A. 5 subparagraph, the county shall deposit in the county's special account for its 6 agricultural land preservation program an amount that is at least equal to the percentage of the original easement purchase price that was paid out of the special 8 account. If any of the funds deposited in the county's special B. 10 account have not been expended or committed within 3 years from the date of deposit into the special account, the county collector shall remit those funds to the Comptroller for deposit in the Maryland Agricultural Land Preservation Fund as 13 provided in § 13-306(c) of the Tax - Property Article. 14 3. The county shall deposit the balance of the funds 15 distributed to it under this subparagraph in the county's general fund. If an easement is terminated, the Foundation shall deposit 16 17 its portion of the repurchase payment in the Maryland Agricultural Land 18 Preservation Fund as provided under § 2-505 of this subtitle. 19 If the request for termination is denied, or if the landowner fails to 20 repurchase the easement within 180 days of the appraisal, the landowner may not 21 again request termination of the easement until five years after his last request for termination. 23 (h) A landowner may not terminate an easement purchased using an 24 installment purchase agreement, as provided in § 2-510(k) of this subtitle. 25 This subsection applies only to easements that the Foundation (i) 26 acquires on or before September 30, 2004. 27 Before deciding on a request for termination of an easement, the 28 Foundation shall provide a landowner with the opportunity for a hearing. Notwithstanding §§ 2-401 through 2-405 of this title, the landowner 29 30 may appeal any Foundation denial directly to the circuit court of the county where the 31 land is located. 32 (4) The circuit court shall hear and determine the appeal on the record 33 made in accordance with § 10-222 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take