

# HOUSE BILL 1353

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By: **Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)**

Introduced and read first time: March 2, 2007

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Fund**

3 FOR the purpose of authorizing the Maryland Agricultural Land Preservation  
4 Foundation to use the Maryland Agricultural Land Preservation Fund for  
5 certain purposes, subject to certain restrictions; and generally relating to the  
6 Maryland Agricultural Land Preservation Fund.

7 BY repealing and reenacting, with amendments,  
8 Article – Agriculture  
9 Section 2–505  
10 Annotated Code of Maryland  
11 (1999 Replacement Volume and 2006 Supplement)

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

14 **Article – Agriculture**

15 2–505.

16 (a) The Maryland Agricultural Land Preservation Fund is created and  
17 continued for the purposes specified in this subtitle.

18 (b) The Maryland Agricultural Land Preservation Fund shall comprise:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Any money made available to the Fund by general or special fund  
2 appropriations; and

3 (2) Any money made available to the Fund by grants or transfers from  
4 governmental or private sources.

5 (c) (1) The Comptroller of the Treasury may not disburse any money from  
6 the Maryland Agricultural Land Preservation Fund other than:

7 (i) For costs associated with the staffing and administration of  
8 the Maryland Agricultural Land Preservation Foundation;

9 (ii) For reasonable expenses incurred by the members of the  
10 board of trustees of the Maryland Agricultural Land Preservation Foundation in the  
11 performance of official duties; [and]

12 (iii) For consideration in the purchase of agricultural land  
13 preservation easements beginning with fiscal year 1979 and each fiscal year  
14 thereafter;

15 (IV) **SUBJECT TO THE FOUNDATION'S APPROVAL, TO**  
16 **SECURE AGRICULTURAL LAND PRESERVATION EASEMENTS THROUGH A**  
17 **CRITICAL FARMS PROGRAM, AS PROVIDED IN § 2-517 OF THIS SUBTITLE;**

18 (V) **SUBJECT TO THE FOUNDATION'S APPROVAL, TO**  
19 **PURCHASE AGRICULTURAL LAND PRESERVATION EASEMENTS WITH AN**  
20 **INSTALLMENT PURCHASE AGREEMENT, AS PROVIDED IN § 2-510(K)(3) OF THIS**  
21 **SUBTITLE; AND**

22 (VI) **TO MAKE GRANTS TO COUNTIES WITH INSTALLMENT**  
23 **PURCHASE AGREEMENT PROGRAMS APPROVED BY THE FOUNDATION TO**  
24 **PURCHASE EASEMENTS USING INSTALLMENT PURCHASE AGREEMENTS, AS**  
25 **PROVIDED IN § 2-510.1 OF THIS SUBTITLE.**

26 (2) (i) The Maryland Agricultural Land Preservation Foundation  
27 may provide grants to the Maryland Agricultural and Resource-Based Industry  
28 Development Corporation to facilitate the purchase of easements, subject to conditions  
29 jointly agreed upon by the Foundation and the Corporation.

30 (ii) The Corporation may only use these grants for expenses  
31 related to:

1                   1.     Facilitating the purchase of easements under the  
2 critical farms or installment purchase agreement programs: or

3                   2.     The Next Generation Farmland Acquisition Program.

4           (d)     Any money remaining in the Fund at the end of a fiscal year may not  
5 revert to the general funds of the State, but shall remain in the Maryland Agricultural  
6 Land Preservation Fund to be used for the purposes specified in this subtitle. It is the  
7 intent of the General Assembly that, to the extent feasible, the Foundation utilize the  
8 full amount of money available for the purchase of easements in any fiscal year so as  
9 to minimize the amount of money remaining in the Fund at the end of any fiscal year.

10          (e)     If a portion of a local subdivision's allocation of Program Open Space  
11 funds is transferred to the Maryland Agricultural Land Preservation Fund pursuant  
12 to the provisions of § 5-903 of the Natural Resources Article, the Foundation may  
13 utilize such transferred funds only for purchases of easements on land located within  
14 the boundaries of the subdivision which requested the transfer of funds. Such  
15 transferred open space funds shall be available in addition to any funds which would  
16 otherwise be allotted under this subtitle for purchases of easements in the county  
17 which requested the transfer of funds; and at the discretion of the local governing  
18 body, such transferred open space funds may be used for general purchases, or applied  
19 as the local contribution in matching purchases as required in §§ 2-508(a)(3) and  
20 2-512(b)(1) of this subtitle.

21          (f)     Money in the Fund from the sale of tax-exempt general obligation bonds  
22 may not be used to purchase easements under:

23                   (1)     An installment purchase agreement, as provided in § 2-510(k)(3) of  
24 this subtitle; [or]

25                   (2)     A schedule of installments financed with certificates of deposit, as  
26 provided in § 2-510(k)(2) of this subtitle; **OR**

27                   **(3)     A CRITICAL FARMS PROGRAM, AS PROVIDED IN § 2-517 OF**  
28 **THIS SUBTITLE.**

29          (g)     The estimated budget of the Foundation for the next fiscal year shall be  
30 included with the budget of the Department.

31          (h)     The Fund shall be audited annually by the Legislative Auditor in the  
32 manner prescribed by law.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2007.