

HOUSE BILL 491

M4

9lr0827
CF 9lr2983

By: **Delegates Aumann, Bates, Bobo, Boteler, Branch, Conway, Eckardt, Gaines, Gutierrez, Haynes, Howard, Jones, Levy, Robinson, Sophocleus, and Wood**

Introduced and read first time: February 4, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Foundation – Easements –**
3 **Inspection Requirements**

4 FOR the purpose of requiring the Maryland Agricultural Land Preservation
5 Foundation to report annually to the Governor and the General Assembly on
6 the percentage of certain easements inspected in each county over a certain
7 time period; requiring the Foundation to adopt certain regulations and
8 procedures that require each county to inspect certain easements in the county
9 in accordance with certain requirements; prohibiting the Foundation from
10 distributing certain funds to a county until the Foundation certifies that the
11 county has complied with certain regulations and procedures related to the
12 inspection of certain easements; requiring the Attorney General and the
13 Secretary of Agriculture, if requested by the Foundation, to provide legal staff to
14 assist the Foundation in making certain certifications regarding county
15 compliance with easement inspection regulations and procedures; and generally
16 relating to the inspection of certain agricultural land preservation easements.

17 BY repealing and reenacting, with amendments,
18 Article – Agriculture
19 Section 2–506, 2–508.1, and 2–509(a)
20 Annotated Code of Maryland
21 (2007 Replacement Volume and 2008 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 2–506.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 The Foundation on or before November 1 of each year, shall transmit to the
2 Governor and, subject to § 2-1246 of the State Government Article, to the General
3 Assembly a report of the Foundation's proceedings and activity for the preceding fiscal
4 year, including:

5 (1) [an] **AN** inventory of all easements or other interests in
6 agricultural land and woodland acquired during that time[, and including];

7 (2) [a] **A** report on the condition of the Maryland Agricultural Land
8 Preservation Fund; **AND**

9 (3) **A REPORT ON THE PERCENTAGE OF EASEMENTS INSPECTED**
10 **DURING THAT TIME IN EACH COUNTY.**

11 2-508.1.

12 (a) **[If] SUBJECT TO SUBSECTION (B) OF THIS SECTION, IF** a county is
13 certified by the Department of Planning under § 5-408 of the State Finance and
14 Procurement Article as having established an effective county agricultural land
15 preservation program, and if there are moneys remaining in the Maryland
16 Agricultural Land Preservation Fund at the end of the fiscal year, the county may
17 apply to the Foundation for an amount equal to the difference between:

18 (1) The aggregate amount allotted on behalf of the county under
19 general allotted purchases of easements as provided in § 2-508(b) of this subtitle for
20 the fiscal year in which easement purchases are made; and

21 (2) The amount committed by the Foundation on behalf of the county
22 under general allotted purchases of easements as provided in § 2-508(b) of this
23 subtitle for the fiscal year in which easement purchases are made.

24 (b) **THE FOUNDATION MAY NOT DISTRIBUTE FUNDS UNDER THIS**
25 **SECTION TO ANY COUNTY UNTIL THE FOUNDATION CERTIFIES THAT THE**
26 **COUNTY HAS COMPLIED WITH THE REGULATIONS AND PROCEDURES ADOPTED**
27 **IN ACCORDANCE WITH § 2-509(A)(3) OF THIS SUBTITLE.**

28 (c) The distribution under this section shall be made within 60 days of the
29 end of each fiscal year.

30 **[(c)] (D)** If the moneys remaining in the Maryland Agricultural Land
31 Preservation Fund at the end of the fiscal year are insufficient to distribute the total
32 amount applied for under subsection (a) of this section, the maximum amount that
33 may be distributed to any certified county is:

1 (1) The total sum available divided by the number of counties applying
2 for additional funds under this section; less

3 (2) The amount committed by the Foundation on behalf of the county
4 under general allotted purchases of easements as provided in § 2-508(b) of this
5 subtitle for the fiscal year in which easement purchases are made.

6 [(d)] (E) A county may use the additional funds distributed under this
7 section only for an approved agricultural land preservation program for the purposes
8 stated under § 2-512 of this subtitle, including use for bond annuity funds,
9 collateralizing loans, or matching funds.

10 2-509.

11 (a) (1) The Foundation shall follow the provisions under this section for
12 the easement application process for:

13 (i) Properties without established districts; and

14 (ii) Properties entering into a district.

15 (2) The Foundation shall adopt regulations and procedures for:

16 (i) Establishment and monitoring of agricultural districts and
17 easements;

18 (ii) Evaluation of land to be included within agricultural
19 districts or land to be subject to an easement; and

20 (iii) Purchase of easements, including the purchase of easements
21 under an installment purchase agreement.

22 **(3) (I) THE FOUNDATION SHALL ADOPT REGULATIONS AND**
23 **PROCEDURES THAT REQUIRE EACH COUNTY TO INSPECT, AT LEAST ONCE EVERY**
24 **5 YEARS, EACH EASEMENT THAT IS LOCATED WITHIN THAT COUNTY.**

25 **(II) THE REGULATIONS AND PROCEDURES ADOPTED UNDER**
26 **THIS PARAGRAPH SHALL REQUIRE THAT AT LEAST 20% OF THE EASEMENTS IN**
27 **EACH COUNTY BE INSPECTED ANNUALLY.**

28 **(III) IF REQUESTED BY THE FOUNDATION, THE ATTORNEY**
29 **GENERAL AND THE SECRETARY SHALL PROVIDE LEGAL STAFF TO ASSIST THE**
30 **FOUNDATION IN MAKING THE CERTIFICATIONS REQUIRED UNDER § 2-508.1(B)**
31 **OF THIS SUBTITLE REGARDING COUNTY COMPLIANCE WITH THE REGULATIONS**
32 **AND PROCEDURES ADOPTED UNDER THIS PARAGRAPH.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2009.