

HOUSE BILL 1418

M4

9lr0016

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

Introduced and read first time: February 25, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Agricultural Land Preservation – Condemnation of Land Under Easement**

3 FOR the purpose of providing that a certain law does not prohibit certain
4 governmental agencies from condemning land subject to certain agricultural
5 land preservation programs for certain purposes, subject to approval by the
6 Board of Public Works after review and recommendation of the Maryland
7 Agricultural Land Preservation Foundation; requiring the condemning
8 authority to meet certain requirements; and generally relating to condemnation
9 of land under easement to the Maryland Agricultural Land Preservation
10 Foundation.

11 BY repealing and reenacting, with amendments,
12 Article – Agriculture
13 Section 2–515(a)
14 Annotated Code of Maryland
15 (2007 Replacement Volume and 2008 Supplement)

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

18 **Article – Agriculture**

19 2–515.

20 (a) (1) [This] **SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF**
21 **THIS SUBSECTION, THIS** subtitle does not prohibit an agency of the State or of a
22 county **OR OTHER GOVERNMENTAL AUTHORITY** from acquiring by condemnation
23 land which is under an agricultural preservation easement held by the Foundation or
24 a county agricultural land preservation program if such acquisition is for a public
25 purpose.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) (I) IF THE PURPOSE OF THE CONDEMNATION OF LAND**
2 **UNDER A FOUNDATION EASEMENT IS EITHER FOR ECONOMIC OR RESIDENTIAL**
3 **DEVELOPMENT OR PARKLAND, THE ACQUISITION OF THE LAND SHALL BE**
4 **SUBJECT TO APPROVAL BY THE BOARD OF PUBLIC WORKS AFTER REVIEW AND**
5 **RECOMMENDATION OF THE FOUNDATION.**

6 **(II) THE CONDEMNING AUTHORITY SHALL DEMONSTRATE**
7 **THAT:**

8 **1. A GREATER PUBLIC PURPOSE EXISTS THAN THAT**
9 **SERVED BY THE FOUNDATION EASEMENT; AND**

10 **2. THERE IS NO REASONABLE ALTERNATIVE SITE.**

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