

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

Re-referred to: Environmental Matters, March 2, 2009

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2009

CHAPTER _____

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~~ condemnation, for certain purposes, of
5 land subject to certain agricultural land preservation programs ~~for certain~~
6 ~~purposes~~, is subject to approval by the Board of Public Works after review and
7 recommendation of the Maryland Agricultural Land Preservation Foundation;
8 requiring the condemning authority to meet certain requirements; defining a
9 certain term; and generally relating to condemnation of land under easement to
10 the Maryland Agricultural Land Preservation 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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

7 (2) (I) IN THIS PARAGRAPH, "ECONOMIC OR RESIDENTIAL
 8 DEVELOPMENT" DOES NOT INCLUDE:

- 9 1. ROADS;
- 10 2. WATER LINES OR PIPELINES;
- 11 3. SEWER LINES OR PIPELINES;
- 12 4. POWER TRANSMISSION LINES OR NATURAL GAS
 13 PIPELINES; OR
- 14 5. STORMWATER OR DRAINAGE FACILITIES.

15 (II) **IF THE PURPOSE OF THE CONDEMNATION OF LAND**
 16 **UNDER A FOUNDATION EASEMENT IS EITHER FOR ECONOMIC OR RESIDENTIAL**
 17 **DEVELOPMENT OR PARKLAND, THE ACQUISITION OF THE LAND SHALL BE**
 18 **SUBJECT TO APPROVAL BY THE BOARD OF PUBLIC WORKS AFTER REVIEW AND**
 19 **RECOMMENDATION OF THE FOUNDATION.**

20 ~~(H)~~ (III) **THE CONDEMNING AUTHORITY SHALL**
 21 **DEMONSTRATE THAT:**

- 22 1. **A GREATER PUBLIC PURPOSE EXISTS THAN THAT**
 23 **SERVED BY THE FOUNDATION EASEMENT; AND**
- 24 2. **THERE IS NO REASONABLE ALTERNATIVE SITE.**

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