

SENATE BILL 90

M4

9lr0015

(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)**

Requested: November 14, 2008

Introduced and read first time: January 14, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Foundation – Valuation of**
3 **Terminated Easements**

4 FOR the purpose of altering the appraisal method for determining the agricultural
5 value of a terminated agricultural land preservation easement to be
6 repurchased by the landowner from the Maryland Agricultural Land
7 Preservation Foundation; and generally relating to the Maryland Agricultural
8 Land Preservation Foundation.

9 BY repealing and reenacting, with amendments,
10 Article – Agriculture
11 Section 2–514(f)
12 Annotated Code of Maryland
13 (2007 Replacement Volume and 2008 Supplement)

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

16 **Article – Agriculture**

17 2–514.

18 (f) (1) If the request for termination is approved, an appraisal of the
19 subject land shall be ordered by the Foundation at the expense of the landowner
20 requesting termination of the easement.

21 (2) (i) No more than 180 days following the appraisal required
22 under paragraph (1) of this subsection, the landowner may repurchase the easement

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 by paying to the Foundation the difference between the fair market value and the
2 agricultural value of the subject land, as determined by the appraisal.

3 (ii) For purposes of this paragraph, the agricultural value **OF**
4 **THE LAND** is **DETERMINED BY THE APPRAISAL METHOD THAT WAS IN EFFECT AT**
5 **THE TIME THE EASEMENT WAS ACQUIRED BY THE FOUNDATION, EITHER BY THE**
6 **AGRICULTURAL APPRAISAL FORMULA UNDER § 2-511(D) OF THIS SUBTITLE OR**
7 **BY AN APPRAISAL THAT DETERMINES** the price as of the valuation date which a
8 vendor, willing but not obligated to sell, would accept, and which a purchaser, willing
9 but not obligated to buy, would pay for a farm unit with land comparable in quality
10 and composition to the property being appraised[, but located in the nearest location
11 where profitable farming is feasible].

12 (iii) 1. In the case of the termination of an easement that
13 was originally purchased under a matching allotted purchase, the Foundation shall
14 distribute to the contributing county a portion of the repurchase payment received
15 under subparagraph (i) of this paragraph that is equal to the percentage of the original
16 easement purchase price contributed by the county.

17 2. A. From the funds distributed to a county under
18 this subparagraph, the county shall deposit in the county's special account for its
19 agricultural land preservation program an amount that is at least equal to the
20 percentage of the original easement purchase price that was paid out of the special
21 account.

22 B. If any of the funds deposited in the county's special
23 account have not been expended or committed within 3 years from the date of deposit
24 into the special account, the county collector shall remit those funds to the
25 Comptroller for deposit in the Maryland Agricultural Land Preservation Fund as
26 provided in § 13-306(d) of the Tax – Property Article.

27 3. The county shall deposit the balance of the funds
28 distributed to it under this subparagraph in the county's general fund.

29 4. If an easement is terminated, the Foundation shall
30 deposit its portion of the repurchase payment in the Maryland Agricultural Land
31 Preservation Fund as provided under § 2-505 of this subtitle.

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