

SENATE BILL 358

M4

EMERGENCY BILL

9lr0924
CF HB 290

By: **Senators Middleton, Dyson, Garagiola, and Glassman**

Introduced and read first time: January 30, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Agricultural Preservation Easements – Renewable Energy**
3 **Generation**

4 FOR the purpose of authorizing a landowner whose land is subject to an agricultural
5 preservation easement to use the land for the generation of power or heat from
6 solar or wind energy under certain circumstances; making this Act an
7 emergency measure; and generally relating to the Maryland Agricultural Land
8 Preservation Foundation and renewable energy generation.

9 BY repealing and reenacting, with amendments,
10 Article – Agriculture
11 Section 2–513(b)(1)
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 2–513.

18 (b) (1) A landowner whose land is subject to an easement may not use the
19 land for any commercial, industrial, or residential purpose except:

20 (i) As determined by the Foundation, for farm and forest
21 related uses and home occupations; [or]

22 **(II) FOR THE GENERATION OF POWER OR HEAT FROM**
23 **SOLAR OR WIND ENERGY THAT:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **1. DOES NOT EXCEED 5% OF THE LAND UNDER**
2 **EASEMENT OR IN AN AGRICULTURAL DISTRICT;**

3 **2. MINIMIZES THE IMPACT TO THE AGRICULTURAL**
4 **AND FORESTRY USE OF THE PROPERTY, BASED ON GUIDELINES ESTABLISHED**
5 **BY THE FOUNDATION BY REGULATION;**

6 **3. MEETS ALL FEDERAL, STATE, AND LOCAL**
7 **PERMITTING AND ZONING REQUIREMENTS;**

8 **4. HAS BEEN RECOMMENDED AS CONSISTENT WITH**
9 **LOCAL PRESERVATION PLANS AND POLICIES ESTABLISHED BY THE LOCAL LAND**
10 **PRESERVATION ADVISORY BOARD DURING AN INITIAL REVIEW, NOT TO EXCEED**
11 **45 DAYS; AND**

12 **5. HAS BEEN APPROVED BY THE FOUNDATION**
13 **WITHIN 45 DAYS OF RECEIVING THE LOCAL BOARD'S REVIEW; OR**

14 [(ii)] (iii) As otherwise provided under this section.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
16 measure, is necessary for the immediate preservation of the public health or safety,
17 has been passed by a yea and nay vote supported by three-fifths of all the members
18 elected to each of the two Houses of the General Assembly, and shall take effect from
19 the date it is enacted.