

# SENATE BILL 358

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EMERGENCY BILL

9lr0924  
CF HB 290

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

Introduced and read first time: January 30, 2009

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: April 3, 2009

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Agriculture Calvert County, Charles County, and St. Mary's County -**  
3 **Agricultural Preservation Easements - Renewable Energy Generation**

4 FOR the purpose of authorizing a landowner whose land in Calvert County, Charles  
5 County, or St. Mary's County is subject to an agricultural preservation  
6 easement to use the land for the generation of power or heat from solar ~~or wind~~  
7 energy under certain circumstances; making this Act an emergency measure;  
8 providing for the termination of this Act; and generally relating to the Maryland  
9 Agricultural Land Preservation Foundation and renewable energy generation.

10 BY repealing and reenacting, with amendments,  
11 Article - Agriculture  
12 Section 2-513(b)(1)  
13 Annotated Code of Maryland  
14 (2007 Replacement Volume and 2008 Supplement)

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

### 17 **Article - Agriculture**

18 2-513.

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

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

3 (ii) ~~FOR IN CALVERT COUNTY, CHARLES COUNTY, OR ST.~~  
4 ~~MARY'S COUNTY, FOR THE GENERATION OF POWER OR HEAT FROM SOLAR OR~~  
5 ~~WIND ENERGY THAT:~~

6 1. ~~DOES ON LAND THAT DOES NOT EXCEED 5% OF~~  
7 ~~THE LAND UNDER EASEMENT OR IN AN AGRICULTURAL DISTRICT IF THE~~  
8 ~~LANDOWNER AGREES TO PAY THE FOUNDATION OVER A 5-YEAR PERIOD THE~~  
9 ~~VALUE OF THE PERCENTAGE OF THE LAND UNDER EASEMENT THAT IS USED~~  
10 ~~FOR THE GENERATION OF POWER OR HEAT FROM SOLAR ENERGY, BASED ON~~  
11 ~~THE CURRENT MARKET VALUE OF THE EASEMENT; AND~~

12 2. THAT:

13 A. MINIMIZES THE IMPACT TO THE AGRICULTURAL  
14 AND FORESTRY USE OF THE PROPERTY, BASED ON GUIDELINES ESTABLISHED  
15 BY THE FOUNDATION BY REGULATION;

16 ~~3.~~ B. MEETS ALL FEDERAL, STATE, AND LOCAL  
17 PERMITTING AND ZONING REQUIREMENTS;

18 ~~4.~~ C. HAS BEEN RECOMMENDED AS CONSISTENT  
19 WITH LOCAL PRESERVATION PLANS AND POLICIES ESTABLISHED BY THE LOCAL  
20 LAND PRESERVATION ADVISORY BOARD DURING AN INITIAL REVIEW, NOT TO  
21 EXCEED 45 DAYS; AND

22 ~~5.~~ D. HAS BEEN APPROVED BY THE FOUNDATION  
23 WITHIN 45 DAYS OF RECEIVING THE LOCAL BOARD'S REVIEW; OR

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
26 measure, is necessary for the immediate preservation of the public health or safety,  
27 has been passed by a ye and nay vote supported by three-fifths of all the members  
28 elected to each of the two Houses of the General Assembly, and shall take effect from  
29 the date it is enacted. It shall remain effective through September 30, 2012, and, at  
30 the end of September 30, 2012, with no further action required by the General  
31 Assembly, this Act shall be abrogated and of no further force and effect.