

Chapter 36

(Senate Bill 95)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Farmland Preservation Partnership Program

FOR the purpose of authorizing the Maryland Agricultural Land Preservation Foundation to establish a Farmland Preservation Partnership Program to purchase certain agricultural preservation easements under certain circumstances; requiring the Foundation to develop certain criteria for participation in the Partnership Program; altering the date for the submission of a certain annual report to the Governor and the General Assembly by the Foundation; and generally relating to the Maryland Agricultural Land Preservation Foundation.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 2–506

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

BY adding to

Article – Agriculture

Section 2–517.1

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

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

Article – Agriculture

2–506.

The Foundation on or before [November 1] **JANUARY 15** of each year, shall transmit to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly a report of the Foundation’s proceedings and activity for the preceding fiscal year, including an inventory of all easements or other interests in agricultural land and woodland acquired during that time, and including a report on the condition of the Maryland Agricultural Land Preservation Fund.

2–517.1.

(A) (1) (I) THE FOUNDATION MAY ESTABLISH A FARMLAND PRESERVATION PARTNERSHIP PROGRAM THAT IS GOVERNED BY THE REQUIREMENTS OF THIS SECTION.

(II) THE OBJECTIVE OF THE PARTNERSHIP PROGRAM IS TO PRESERVE PRODUCTIVE AGRICULTURAL AND FORESTED LANDS.

(2) (I) THE FOUNDATION MAY FORM PARTNERSHIPS FOR THE PURPOSE OF PURCHASING EASEMENTS ON QUALIFYING PROPERTIES.

(II) THE FOUNDATION'S PARTNERS SHALL COVER THE FULL PURCHASE PRICE, WHICH MAY INCLUDE THE ADMINISTRATIVE COSTS OF ANY EASEMENT FOR WHICH THE FOUNDATION WILL BE THE GRANTEE OR THE CO-GRANTEE.

(III) THE PROPERTIES THAT QUALIFY FOR THE PARTNERSHIP PROGRAM SHALL MEET THE CRITERIA DEVELOPED BY THE FOUNDATION IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

(B) (1) THE FOUNDATION SHALL DEVELOP CRITERIA THAT DETERMINE WHEN A FARM QUALIFIES FOR THE PARTNERSHIP PROGRAM.

(2) AT A MINIMUM, ANY QUALIFYING FARM SHALL:

(I) MEET THE FOUNDATION'S SIZE CRITERIA;

(II) AS DETERMINED BY THE FOUNDATION, CONTAIN SIGNIFICANT PRODUCTIVE AGRICULTURAL SOIL OR FOREST SOIL; AND

(III) BE APPROVED FOR PARTICIPATION IN THE PARTNERSHIP PROGRAM BY THE GOVERNING BODY OF THE LOCAL JURISDICTION IN WHICH THE PROPERTY IS LOCATED.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, AN EASEMENT ACQUIRED BY THE FOUNDATION IN ACCORDANCE WITH THIS SECTION IS NOT SUBJECT TO THE RANKING, VALUATION, OR DEVELOPMENT RESTRICTIONS OF THIS SUBTITLE, EXCEPT AS DETERMINED BY THE FOUNDATION'S BOARD OF TRUSTEES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, April 13, 2010.