

SENATE BILL 129

M4

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

Introduced and read first time: January 18, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Foundation – Easements**

3 FOR the purpose of repealing certain obsolete language relating to agricultural
4 districts and agricultural land preservation easements; requiring certain
5 applicants to include certain information in certain applications; altering
6 certain notice requirements; clarifying the process and requirements for the
7 application, approval, and acquisition of agricultural preservation easements;
8 repealing certain deadlines; authorizing the Maryland Agricultural Land
9 Preservation Foundation to assign certain district agreements to the governing
10 body of a county under certain circumstances; making stylistic changes; and
11 generally relating to agricultural land preservation easements purchased by the
12 Maryland Agricultural Land Preservation Foundation.

13 BY repealing and reenacting, with amendments,
14 Article – Agriculture
15 Section 2–509, 2–510, 2–513(b)(8), and 2–513.1(a)
16 Annotated Code of Maryland
17 (2007 Replacement Volume and 2011 Supplement)

18 BY repealing and reenacting, without amendments,
19 Chapter 650 of the Acts of the General Assembly of 2007
20 Section 2 and 3

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

23 **Article – Agriculture**

24 2–509.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) The Foundation shall follow the provisions under this section for
2 the easement application process [for:

3 (i) Properties without established districts; and

4 (ii) Properties entering into a district].

5 (2) The Foundation shall adopt regulations and procedures for:

6 (i) [Establishment and monitoring of agricultural districts and
7 easements;]

8 [(ii)] Evaluation of land [to be included within agricultural
9 districts or land to be subject to] **FOR WHICH APPLICATION IS MADE TO SELL** an
10 easement; and

11 [(iii)] **(II)** Purchase of easements, including the purchase of
12 easements under an installment purchase agreement.

13 (b) Regulations and procedures adopted by the Foundation for the
14 [establishment and monitoring of agricultural districts and for the] purchase of
15 easements shall provide that:

16 (1) One or more owners of land actively devoted to agricultural use
17 may file [a petition] **AN APPLICATION** with the county governing body requesting
18 [the establishment of an agricultural district or an application for] the purchase of an
19 easement by the Foundation on the land owned by the [petitioners] **APPLICANTS**. The
20 [petition] **APPLICATION** shall include maps and descriptions of the current use of
21 land [in the proposed district or] for the proposed easement, **AND ANY OTHER**
22 **INFORMATION REQUIRED BY THE FOUNDATION TO EVALUATE THE LAND FOR**
23 **PURCHASE OF AN EASEMENT**.

24 (2) Upon receipt of [a petition to establish an agricultural district or]
25 **AN** application to purchase an easement the local governing body shall refer the
26 [petition or] application and accompanying materials both to the agricultural
27 preservation advisory board and to the county planning and zoning body.

28 (i) [Within 60 days of] **AFTER** the referral of [a petition or] **AN**
29 application, the agricultural preservation advisory board shall advise the county
30 governing body as to whether or not the land [in] **FOR** the [proposed district or]
31 proposed easement meets the qualifications established by the Foundation under
32 subsection (d) of this section, and whether or not the advisory board recommends
33 [establishment of the district or] the purchase of the easement.

1 **(II) IN MAKING ITS RECOMMENDATION, THE COUNTY**
2 **AGRICULTURAL PRESERVATION ADVISORY BOARD SHALL:**

3 **1. TAKE INTO CONSIDERATION CRITERIA AND**
4 **STANDARDS ESTABLISHED BY THE FOUNDATION UNDER THIS SUBTITLE,**
5 **CURRENT LOCAL REGULATIONS, LOCAL PATTERNS OF LAND DEVELOPMENT,**
6 **THE KINDS OF DEVELOPMENT PRESSURES CURRENTLY EXISTING ON THE LAND**
7 **FOR THE PROPOSED EASEMENT, STATE SMART GROWTH GOALS, AND ANY**
8 **LOCALLY ESTABLISHED PRIORITIES FOR THE PRESERVATION OF**
9 **AGRICULTURAL LAND; AND**

10 **2. RECOMMEND FOR RANKING ANY APPLICATION**
11 **THAT QUALIFIES AND MEETS THE PRIORITIES ESTABLISHED BY THE COUNTY**
12 **GOVERNING BODY FOR THE PRESERVATION OF AGRICULTURAL LAND.**

13 **[(ii) (III) [Within 60 days of] AFTER the referral of [a petition**
14 **or] AN application, the county planning and zoning body shall advise the local**
15 **governing body as to whether or not [establishment of the district or] the purchase of**
16 **the easement is compatible with existing and approved county plans and overall**
17 **county policy, and whether or not the planning and zoning body recommends**
18 **[establishment of the district or] the purchase of the easement.**

19 (3) If either the agricultural preservation advisory board or the
20 planning and zoning body recommends approval, the county governing body shall hold
21 a public hearing on the [petition or] APPLICATION for the proposed easement.
22 Adequate notice of the hearing shall be given to all [landowners in the proposed
23 district or] OWNERS WHOSE LAND WOULD BE ENCUMBERED BY the proposed
24 easement[, and to the Foundation] AND ALL OWNERS WHOSE LAND IS CONTIGUOUS
25 TO THE LAND FOR THE PROPOSED EASEMENT.

26 **(4) IN DECIDING WHETHER TO APPROVE THE APPLICATION, THE**
27 **COUNTY GOVERNING BODY SHALL RECEIVE THE RECOMMENDATION OF THE**
28 **COUNTY AGRICULTURAL PRESERVATION ADVISORY BOARD ESTABLISHED**
29 **UNDER § 2-504.1 OF THIS SUBTITLE.**

30 **[(4) (5) (i) [Within 120 days after] AFTER the receipt of the**
31 **[petition or] application[,] AND THE RECOMMENDATIONS OF THE AGRICULTURAL**
32 **PRESERVATION ADVISORY BOARD AND THE COUNTY PLANNING AND ZONING**
33 **BODY, the county governing body shall render a decision as to whether or not the**
34 **[petition or] application shall be recommended to the Foundation for approval.**

35 (ii) If the county governing body decides to recommend approval
36 of the [petition or] application, it shall [so] notify the Foundation and forward to the
37 Foundation:

1 1. [the petition or] **THE** application and all
2 accompanying materials, including the recommendations of the advisory board and
3 county planning and zoning body;

4 **2. A RANKING OF ALL APPLICATIONS BASED ON:**

5 **A. THE COUNTY GOVERNING BODY'S LOCALLY**
6 **ESTABLISHED PRIORITIES AS APPROVED BY THE FOUNDATION, WHICH FOR**
7 **PURPOSES OF ENHANCING COMPETITIVE BIDDING MAY INCLUDE A SYSTEM**
8 **THAT RANKS PROPERTIES IN ASCENDING ORDER WITH RESPECT TO THE**
9 **PROPORTION OBTAINED BY DIVIDING THE ASKING PRICE BY THE VALUE OF THE**
10 **EASEMENT; AND**

11 **B. GUIDELINES ADOPTED BY THE FOUNDATION**
12 **UNDER SUBSECTION (D) OF THIS SECTION; AND**

13 **3. A STATEMENT OF THE TOTAL CURRENT**
14 **DEVELOPMENT RIGHTS ON THE LAND FOR THE PROPOSED EASEMENT, WHICH**
15 **SHALL INCLUDE THE TOTAL NUMBER OF DEVELOPMENT RIGHTS THAT HAVE**
16 **BEEN SUBDIVIDED OR TRANSFERRED.**

17 (iii) If the county governing body recommends denial of the
18 [petition] APPLICATION, it shall [so] inform the Foundation and the [petitioners]
19 APPLICANTS.

20 [(5) The Foundation may approve a petition for the establishment of an
21 agricultural district only if:

22 (i) The land within the proposed district meets the
23 qualifications established under subsection (d) of this section;

24 (ii) The petition has been approved by the county governing
25 body; and

26 (iii) The establishment of the district or the purchase of the
27 easement is approved by a majority of the Foundation board of trustees at-large, by
28 the Secretary, and by the State Treasurer.

29 (6) The Foundation shall render its decision on a petition to establish
30 an agricultural district within 60 days of the receipt of the petition, and shall inform
31 the county governing body and the petitioners of its decision.

32 (7) (i) If the Foundation approves the petition, the agricultural
33 district shall be established by an ordinance of the county governing body.

1 (ii) The establishment of the district shall not take effect until
2 all landowners in the proposed district have executed and recorded among the land
3 records an agreement with the Foundation stipulating that for a specified period of
4 time from the establishment of the agricultural district, the landowner agrees to keep
5 his land in agricultural use and has the right to offer to sell an easement for
6 development rights on his land to the Foundation under the provisions of this subtitle.

7 (iii) In the ordinance that establishes an agricultural district:

8 1. The county governing body shall establish the length
9 of time required for a district agreement under subparagraph (ii) of this paragraph;
10 and

11 2. The time period of the district agreement shall be
12 from 3 to 10 years, both inclusive.

13 (iv) In the event of severe economic hardship the Foundation,
14 with the concurrence of the county governing body, may release the landowner's
15 property from the agricultural district. Any person aggrieved by a decision of the
16 Foundation regarding a determination of severe economic hardship is entitled to
17 judicial review.

18 (v) Nothing in this section shall preclude the landowner from
19 selling his property.

20 (8) At any time after the period of time stipulated in the district
21 agreement, a landowner may terminate his property as an agricultural district by
22 notifying the Foundation one year in advance of his intention to do so.

23 (9) After the establishment of an agricultural district the county
24 governing body or the Foundation may review the use of land within the district.

25 (10) The Foundation may approve alteration or abolition of a district
26 only if:

27 (i) The use of land within the district has so changed as to
28 cause land within the district to fail to meet the qualifications established under
29 subsection (d) of this section;

30 (ii) The alteration or abolition of the district has been
31 recommended by the county governing body; and

32 (iii) The alteration or abolition is approved by a majority of the
33 Foundation board of trustees at-large, by the Secretary, and by the State Treasurer.]

1 (c) Regulations and procedures adopted by the Foundation for the
2 [establishment] **PURCHASE** and monitoring of [agricultural districts and] easements
3 may not require, in Garrett County or Allegany County, a natural gas rights owner or
4 lessee to subordinate its interest to the Foundation's interest if the Foundation
5 determines that exercise of the natural gas rights will not interfere with an
6 agricultural operation conducted on [land in the agricultural district or] land subject
7 to an easement.

8 (d) Regulations and criteria developed by the Foundation relating to land
9 which may be [included in an agricultural district or subject to] **CONSIDERED FOR**
10 **PURCHASE OF** an easement shall provide that:

11 (1) Subject to item (2) of this subsection, land shall meet productivity,
12 acreage, and locational criteria determined by the Foundation to be necessary for the
13 continuation of farming;

14 (2) As long as all other criteria are met, land that is at least 50 acres
15 in size **OR IS CONTIGUOUS TO OTHER PERMANENTLY PRESERVED LAND** shall
16 qualify for [inclusion in an agricultural district or] **PURCHASE OF AN** easement;

17 (3) The Foundation shall attempt to preserve the minimum number of
18 acres [in a given district] which may reasonably be expected to promote the continued
19 availability of agricultural suppliers and markets for agricultural goods;

20 (4) Land within the boundaries of a 10-year water and sewer service
21 district may be [included in an agricultural district or] **CONSIDERED FOR PURCHASE**
22 **OF AN** easement only if that land is outstanding in productivity and is of significant
23 size; [and]

24 (5) Land may be [included in an agricultural district or]
25 **CONSIDERED FOR PURCHASE OF AN** easement only if the county regulations
26 governing the land permit the activities listed under § 2-513(a) of this subtitle; **AND**

27 **(6) LAND BE EVALUATED FOR:**

28 **(I) LOCATION IN A PRIORITY PRESERVATION AREA OF THE**
29 **COUNTY;**

30 **(II) SOIL AND OTHER LAND CHARACTERISTICS ASSOCIATED**
31 **WITH AGRICULTURAL AND SILVICULTURAL PRODUCTIVITY;**

32 **(III) AGRICULTURAL AND SILVICULTURAL PRODUCTION AND**
33 **CONTRIBUTION TO THE AGRICULTURAL AND SILVICULTURAL ECONOMY; AND**

1 **(IV) ANY OTHER UNIQUE COUNTY CONSIDERATIONS THAT**
2 **SUPPORT THE GOALS OF THE PROGRAM.**

3 2-510.

4 (a) An owner of agricultural land [that has an] **WHOSE APPLICATION TO**
5 **SELL AN** easement **HAS BEEN** approved by the county under this subtitle may sell an
6 easement to the Foundation on the contiguous acreage of [such] **THE** agricultural
7 land, **SUBJECT TO THE REQUIREMENTS OF THIS SUBTITLE AND REGULATIONS**
8 **OF THE FOUNDATION.**

9 (b) In order to be considered by the Foundation, an application to sell shall:

10 (1) Be received by the board at a time the board determines for the
11 fiscal year in which the application is to be considered;

12 (2) Include an asking price at which the owner is willing to sell an
13 easement; and

14 (3) Include a complete description of the [subject] land **FOR THE**
15 **PROPOSED EASEMENT.**

16 (c) **[(1)]** The board shall determine the maximum number of applications
17 **THAT IT WILL ACCEPT FROM EACH COUNTY** in each offer cycle.

18 **[(2) Applications received after the maximum number has been**
19 **reached may be considered in the next available cycle.]**

20 (d) Within 30 days after the receipt of an application **FROM THE COUNTY**
21 **GOVERNING BODY**, the Foundation shall notify the landowner **AND THE COUNTY**
22 **GOVERNING BODY** of the receipt and sufficiency of the application. If the original
23 application is insufficient, the Foundation shall specify the reason for insufficiency,
24 and the Foundation shall grant an additional 30 days for the landowner to remedy the
25 insufficiency. If the application is made sufficient within 30 days of the notification by
26 the Foundation, the application shall be considered as if it had originally been
27 submitted in a timely and sufficient manner.

28 (e) **[(1) (i) Within 30 days after the receipt of an application to sell, the**
29 **Foundation shall notify the governing body of the county containing the subject land,**
30 **that an application to sell has been received.**

31 (ii) 1. Within] **IF THE APPLICATION IS SUBMITTED TO**
32 **THE FOUNDATION PRIOR TO COUNTY APPROVAL, THEN WITHIN 60** days of the
33 notification **OF SUFFICIENCY OF THE APPLICATION**, the county governing body shall
34 advise the Foundation as to [local] **THE COUNTY'S** approval or disapproval of the

1 application. The Foundation shall grant a 30-day extension of this [response]
2 **APPROVAL** period if the county governing body applies to the Foundation for an
3 extension and states its reasons for seeking an extension.

4 [2. Upon local approval of the application, the county
5 governing body shall submit a statement of the total current development rights on
6 the subject land to the Maryland Agricultural Land Preservation Foundation, along
7 with the application approval notification. The statement shall include the total
8 number of development rights that have been subdivided or transferred.

9 (2) In deciding whether to approve the application, the county
10 governing body shall:

11 (i) Receive the recommendation of the county agricultural
12 preservation advisory board established under § 2-504.1 of this subtitle; and

13 (ii) Rank all applications based on:

14 1. Its locally established priorities as approved by the
15 Foundation, which, for purposes of enhancing competitive bidding, may include a
16 system that ranks properties in ascending order with respect to the proportion
17 obtained by dividing the asking price by the value of the easement; and

18 2. Guidelines adopted by the Foundation under
19 paragraph (3) of this subsection.

20 (3) (i) In consultation with county governing bodies, the
21 Foundation shall adopt guidelines to identify easements for purchase that further the
22 goals of the Maryland Agricultural Land Preservation Program.

23 (ii) Guidelines adopted under subparagraph (i) of this
24 paragraph shall include consideration of:

25 1. Location in a priority preservation area of the county;

26 2. Soil and other land characteristics associated with
27 agricultural productivity;

28 3. Agricultural production and contribution to the
29 agricultural economy; and

30 4. Any other unique county considerations that support
31 the goals of the program.

32 (4) In making its recommendation, the county agricultural
33 preservation advisory board shall:

1 (i) Take into consideration criteria and standards established
2 by the Foundation under this subtitle, current local regulations, local patterns of land
3 development, the kinds of pressures to develop the subject land, State smart growth
4 goals, and any locally established priorities for the preservation of agricultural land;
5 and

6 (ii) Recommend for ranking any application that qualifies and
7 meets the priorities established by the county governing body for the preservation of
8 agricultural land.

9 (5) The county agricultural preservation advisory board shall provide
10 a public hearing concerning any application to sell if such a hearing is requested by a
11 majority of the county agricultural preservation advisory board, or by a majority of the
12 county governing body, or by the applicant.

13 (6) The board of trustees of the Foundation shall not approve any
14 application to sell which has not been approved by the governing body of the county
15 containing the subject land.]

16 (f) (1) In determining which applications it shall approve for the
17 purchase of the easements offered for sale in each fiscal year under this section, the
18 Foundation:

19 (i) May approve only those applications in which the subject
20 land meets the criteria and standards established under §§ 2–509 and 2–513 of this
21 subtitle;

22 (ii) Except as provided in subparagraph (iii) of this paragraph,
23 [rank] REVIEW the applications and submit offers to buy at the beginning of each offer
24 cycle based on the approved priorities established by each eligible county for the
25 preservation of agricultural land; and

26 (iii) For applications competing on a statewide basis following
27 the initial round of offers, shall rank the applications and submit offers to buy in order
28 of priority, as provided in paragraph (2) of this subsection.

29 (2) The Foundation shall adopt by regulation a standard priority
30 ranking system for additional offers to buy by which it shall rank each application.
31 The system shall be based on the following criteria as to the easements offered in any
32 one county:

33 (i) The applications shall be assigned a rank in ascending order
34 with respect to the proportion obtained by dividing the asking price by the State
35 easement value. The resulting rank shall be the sole criterion for establishing the
36 priority for discounted applications that include proportions of 1.0 or lower.

1 (ii) All additional applications which include proportions greater
2 than 1.0 shall be assigned a numerical value that, in regard to the land for which the
3 easement is offered, reflects:

- 4 1. The relative productive capacity of the land;
- 5 2. The extent to which the easement acquisition will
6 contribute to the continued availability of agricultural suppliers and markets for
7 agricultural goods; and
- 8 3. The priority recommendations of the local governing
9 bodies.

10 (g) The Foundation may approve general allotted purchases of easements in
11 a county not to exceed in aggregate value the amount allotted for that county under §
12 2–508(b) of this subtitle for the fiscal year in which such purchases are made, plus any
13 amount of transferred local open space funds designated by the local governing body
14 for general purchases.

15 (h) The Foundation may approve matching allotted purchases of easements
16 in an eligible county such that the Foundation's share will not exceed in aggregate
17 value the amount allotted for that county under § 2–508(b) of this subtitle for that
18 fiscal year.

19 (i) Upon approval of a majority of the board members at-large, and upon the
20 recommendation of the State Treasurer and the Secretary, an application to sell shall
21 be approved, and an offer to buy containing the specific terms of the purchase shall be
22 tendered to the landowner. An offer to buy may specify terms, contingencies, and
23 conditions not contained in the original application.

24 (j) [(1) With respect to allotted purchases, the Foundation shall tender
25 any offer to buy containing the specific terms of the purchase on or before January 31
26 of the fiscal year in which the purchase is to be made.]

27 **[(2)] (1)** With respect to additional offers to buy tendered under §
28 2–508(c) of this subtitle, the Foundation may not tender such offers earlier than 30
29 days after the completion of allotted **[purchases] OFFERS TO BUY** in each offer cycle.

30 **[(3)] (2)** A landowner has 30 days from the date of any offer to buy in
31 which to accept or reject the offer.

32 (k) (1) At the time of settlement of the purchase of an easement, the
33 landowner and the Foundation may agree upon and establish a schedule of payment
34 such that the landowner may receive consideration for the easement in a lump sum, in
35 installments over a period of up to 10 years from the date of settlement, or as provided
36 in an installment purchase agreement under paragraph (3) of this subsection. At the
37 time of settlement, the Foundation shall notify in writing each landowner who sells an

1 agricultural easement to the Foundation of the schedule of anticipated ranges of
2 interest rates to be paid on any unpaid balance after the date of settlement.

3 (2) (i) If a schedule of installments is agreed upon, the Comptroller
4 shall retain in the Maryland Agricultural Land Preservation Fund an amount of
5 money sufficient to pay the landowner according to the schedule.

6 (ii) The landowner shall receive interest on any unpaid balance
7 remaining after the date of settlement. The State Treasurer shall invest the unpaid
8 balance remaining after the date of settlement in a certificate or certificates of deposit
9 at the maximum interest rate offered by a bank servicing the State or at such other
10 institutions which pay the maximum interest rates payable on time and savings
11 deposits at federally insured commercial banks selected by the Treasurer, to mature in
12 accordance with an agreed upon schedule of installments as provided in this section.
13 Any interest earned on the invested unpaid balance shall be paid with the installment
14 when due, less 1/4 of 1 percent.

15 (3) (i) The Foundation may pay the landowner according to a
16 schedule, up to a maximum term of 15 years, established in an installment purchase
17 agreement.

18 (ii) The installment purchase agreement shall:

19 1. Require that the Foundation make annual equal
20 payments to the landowner of interest on the outstanding balance of the purchase
21 price;

22 2. Require that the Foundation pay the landowner the
23 remainder of the purchase price at the end of the term;

24 3. State the total amount of money the Foundation will
25 pay the landowner, the interest rate, and the terms of the agreement; and

26 4. Require that the easement be recorded within 30 days
27 of settlement.

28 (1) (1) **[On or before June 30] AFTER THE FOUNDATION HAS**
29 **EXPENDED ALLOTTED FUNDS FOR A FISCAL YEAR IN OFFERS TO PURCHASE**, the
30 Foundation shall notify all landowners whose applications had been rejected during
31 that fiscal year. The Foundation shall specify the reasons for that rejection.

32 (2) A landowner who rejects an offer from the Foundation to purchase
33 an easement on the same land during two consecutive years, for a reason other than
34 insufficient Foundation funds, may not reapply to sell an easement on the same land
35 for the following two consecutive years.

1 (m) Notwithstanding any other provision of law, for each offer cycle as
2 provided in this section, records relating to a landowner's ranking, asking price, or
3 Foundation offer shall be confidential and not subject to public inspection until after
4 the end of the cycle, as determined by the Foundation.

5 2-513.

6 (b) (8) The Foundation may approve a landowner's request to relocate the
7 site of an existing dwelling to another location on a farm subject to an easement [or
8 district agreement], provided:

9 (i) The new location does not interfere with any agricultural
10 use; and

11 (ii) Subject to the Foundation's approval, the landowner agrees
12 either to demolish the existing dwelling at the current location or permanently convert
13 the existing dwelling at the current location to a use that is nonresidential and
14 integral to the farm operation.

15 2-513.1.

16 (a) This section applies only to applications affecting land encumbered by a
17 [district agreement or] deed of easement created under this subtitle.

18 Chapter 650 of the Acts of 2007

19 SECTION 2. AND BE IT FURTHER ENACTED, That:

20 (a) Effective July 1, 2007, districts may not be a requirement for the
21 easement application process to the Maryland Agricultural Land Preservation
22 Foundation; and

23 (b) Except as provided in Section 3 of this Act, as of June 30, 2012, all
24 districts in the Maryland Agricultural Land Preservation Foundation shall be
25 terminated and a landowner may not be bound to the terms of any Foundation district
26 agreement.

27 SECTION 3. AND BE IT FURTHER ENACTED, That the following
28 agricultural land preservation districts established under § 2-509 of the Agriculture
29 Article or by a county shall remain in force and may not be terminated:

30 (a) Any district in which an easement has been transferred to the
31 Foundation; and

32 (b) Any district established by a county and a landowner for the purpose of
33 providing a property tax credit to the landowner.

1 SECTION 2. AND BE IT FURTHER ENACTED, That for all district
2 agreements encumbering land on which the Foundation has not purchased an
3 easement as of June 30, 2012, and which otherwise have not terminated as of June 30,
4 2012, the Foundation may assign those district agreements to the county governing
5 body for the county in which the land is located by an assignment instrument to be
6 recorded in the land records of that county, if the county governing body is willing to
7 accept an assignment. From the date of the recording of the assignment instrument, a
8 county governing body shall be entitled to enforce the terms of the district agreements
9 it has been assigned, and shall determine whether or not a district agreement may be
10 modified or terminated.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 June 30, 2012.