

# SENATE BILL 58

M4

9lr0109

(PRE-FILED)

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

Requested: October 10, 2018

Introduced and read first time: January 9, 2019

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 4, 2019

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

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Foundation – Elimination of District**  
3 **Agreements**

4 FOR the purpose of deleting obsolete references to district agreements within the Maryland  
5 Agricultural Land Preservation Foundation program; codifying the elimination of  
6 certain district agreements and the continuation of certain agricultural land  
7 preservation districts; and generally relating to the elimination of district  
8 agreements within the Maryland Agricultural Land Preservation Foundation  
9 program.

10 BY repealing and reenacting, with amendments,  
11 Article – Agriculture  
12 Section 2–504.1  
13 Annotated Code of Maryland  
14 (2016 Replacement Volume and 2018 Supplement)

15 BY adding to  
16 Article – Agriculture  
17 Section 2–509.1  
18 Annotated Code of Maryland  
19 (2016 Replacement Volume and 2018 Supplement)

20 BY repealing

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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 Chapter 650 of the Acts of the General Assembly of 2007  
2 Section 2 and 3

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

5 **Article – Agriculture**

6 2–504.1.

7 (a) In each county containing productive agricultural land, the county governing  
8 body shall appoint an agricultural preservation advisory board.

9 (b) (1) Except as provided in paragraphs (2) and (3) of this subsection, the  
10 agricultural preservation advisory board shall consist of five members, at least three of  
11 whom shall be owner–operators of commercial farms who earn 50 percent or more of their  
12 income from farming.

13 (2) In Worcester County, the agricultural preservation advisory board shall  
14 consist of seven members, at least four of whom shall be owner–operators of commercial  
15 farms who earn 50 percent or more of their income from farming.

16 (3) In St. Mary’s County, the agricultural preservation advisory board shall  
17 consist of five members, at least three of whom shall be actively pursuing the production of  
18 agricultural products for profit.

19 (c) (1) Except as provided in paragraph (2) of this subsection, each member of  
20 an agricultural preservation advisory board shall be appointed for a term of office of five  
21 years.

22 (2) In Charles County and in Worcester County, a member shall serve a  
23 term of office of 4 years.

24 (3) No member shall serve for more than two consecutive full terms.

25 (4) Appointment to fill a vacancy shall be for the remainder of the  
26 unexpired term.

27 (d) Duties of each agricultural preservation advisory board shall be:

28 (1) To advise the county governing body with respect to [the establishment  
29 of agricultural districts and] the approval of purchases of easements by the Foundation  
30 within the county;

31 (2) To assist the county governing body in reviewing the status of  
32 [agricultural districts and] land under easement;

1 (3) To advise the Foundation concerning county priorities for agricultural  
2 preservation;

3 (4) To approve or disapprove an application by the county for certification  
4 under § 5-408 of the State Finance and Procurement Article;

5 (5) To promote preservation of agriculture within the county by offering  
6 information and assistance to farmers with respect to [establishment of districts and] THE  
7 purchase of easements;

8 (6) To meet at least annually with forest conservation district boards in  
9 order to work cooperatively to encourage the promotion and retention of farmland and  
10 woodland in their respective jurisdictions; and

11 (7) To perform any other duties as assigned by the county governing body.

12 **2-509.1.**

13 (A) **EFFECTIVE JULY 1, 2007, DISTRICTS MAY NOT BE A REQUIREMENT FOR**  
14 **THE EASEMENT APPLICATION PROCESS TO THE FOUNDATION.**

15 (B) (1) **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**  
16 **AS OF JUNE 30, 2012, ALL DISTRICTS HELD BY THE FOUNDATION SHALL BE**  
17 **TERMINATED AND A LANDOWNER MAY NOT BE BOUND TO THE TERMS OF ANY**  
18 **FOUNDATION DISTRICT AGREEMENT.**

19 (2) **THE FOLLOWING AGRICULTURAL LAND PRESERVATION**  
20 **DISTRICTS SHALL REMAIN IN FORCE AND MAY NOT BE TERMINATED:**

21 (I) **ANY DISTRICT IN WHICH AN EASEMENT HAS BEEN**  
22 **TRANSFERRED TO THE FOUNDATION; AND**

23 (II) **ANY DISTRICT ESTABLISHED TO PROVIDE A PROPERTY TAX**  
24 **CREDIT TO A LANDOWNER.**

25 **Chapter 650 of the Acts of 2007**

26 **[SECTION 2. AND BE IT FURTHER ENACTED, That:**

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

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

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

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

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2019.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.