

Chapter 130

(Senate Bill 58)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Board of Trustees and Elimination of District Agreements

FOR the purpose of authorizing each ex officio member of the board of trustees of the Maryland Agricultural Land Preservation Foundation to appoint a designee to serve in the member’s place on the board; deleting obsolete references to district agreements within the Maryland Agricultural Land Preservation Foundation program; codifying the elimination of certain district agreements and the continuation of certain agricultural land preservation districts; making conforming changes; and generally relating to ~~the elimination of district agreements within~~ the Maryland Agricultural Land Preservation Foundation program.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2-503(a) and 2-504.1
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)

BY adding to
Article – Agriculture
Section 2-509.1
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)

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

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

Article – Agriculture

2-503.

(a) (1) The Maryland Agricultural Land Preservation Foundation shall be governed and administered by a board of trustees composed of [the]:

(1) THE State Treasurer, [who shall serve as an ex officio member.] the Comptroller, [who shall serve as an ex officio member,] the Secretary of Planning, [who

shall serve as an ex officio member,] and the Secretary [who shall serve as an ex officio member, and nine], **ALL OF WHOM SHALL SERVE AS EX OFFICIO MEMBERS;**

(II) **NINE** members from the State at-large to be appointed by the Governor, at least six of whom shall be farmer representatives **WHO ARE ENGAGED IN OR RETIRED FROM ACTIVE FARMING** from different areas of the [State. The State Treasurer may appoint, as the Treasurer's designee, a deputy treasurer to serve on the board of trustees. The Secretary of Planning may appoint as the Secretary's designee an individual within the Department of Planning. All of the farmer representatives shall be actively engaged in or retired from active farming. Four of the six farmer representatives] **STATE, AND FOUR OF WHOM** shall be appointed as follows:

[(i)] **1.** One from a list of three nominees submitted by the Maryland Agricultural Commission;

[(ii)] **2.** One from a list of three nominees submitted by the Maryland Farm Bureau;

[(iii)] **3.** One from a list of three nominees submitted by the Maryland State Grange; and

[(iv)] **4.** One from a list of three nominees submitted by the Young Farmers Advisory Board; **AND**

(III) **ANY DESIGNEE APPOINTED BY AN EX OFFICIO MEMBER UNDER PARAGRAPH (3) OF THIS SUBSECTION.**

(2) **Nominees under paragraph [(1)(iv)] (1)(II)4 of this subsection shall meet the requirements of § 2-1002(d) of this title.**

(3) **EACH EX OFFICIO MEMBER OF THE BOARD OF TRUSTEES MAY APPOINT A DESIGNEE TO SERVE IN THE MEMBER'S PLACE ON THE BOARD.**

[(3)](4) **The Governor shall appoint the chairman of the board, from among the nine at-large trustees.**

(5) **A majority of the members of the board serving at any one time constitutes a quorum for the transaction of business.**

[(4)] (6) **Notwithstanding the provisions of §§ 5-502 through 5-504 of the General Provisions Article, a person may be appointed to and serve on the board as an at-large member even if prior to the appointment the person sold an easement in the person's agricultural land to the Foundation.**

2-504.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2-509.1.

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

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

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

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

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

Chapter 650 of the Acts of 2007

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

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

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

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

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

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

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

Approved by the Governor, April 18, 2019.