

# HOUSE BILL 1534

M1, M4

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By: **Delegate Wells**

Introduced and read first time: February 7, 2020

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Department of Agriculture – Urban Agriculture Grant Program**

3 FOR the purpose of establishing the Urban Agriculture Grant Program in the Department  
4 of Agriculture; establishing an Urban Agriculture Grant Fund; establishing the  
5 purpose of the Program and Fund; requiring the Secretary of Agriculture to  
6 administer the Fund; requiring the State Treasurer to hold the Fund and the  
7 Comptroller to account for the Fund; specifying the contents of the Fund; requiring  
8 the Fund to be used to provide certain grants under certain circumstances;  
9 establishing certain qualifications for certain nonprofit organizations to receive a  
10 certain grant under the Program; requiring certain grant recipients to report certain  
11 information to the Department; authorizing the Department to adopt certain  
12 regulations; requiring a certain minimum amount of the State’s share of the proceeds  
13 of Program Open Space to be appropriated in the State budget in certain fiscal years  
14 to the Fund; defining certain terms; and generally relating to the Urban Agriculture  
15 Grant Program in the Department of Agriculture.

16 BY adding to

17 Article – Agriculture

18 Section 2–2001 through 2–2005 to be under the new subtitle “Subtitle 20. Urban  
19 Agriculture Grant Program”

20 Annotated Code of Maryland

21 (2016 Replacement Volume and 2019 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article – Natural Resources

24 Section 5–903(a)

25 Annotated Code of Maryland

26 (2018 Replacement Volume and 2019 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article – Agriculture

## SUBTITLE 20. URBAN AGRICULTURE GRANT PROGRAM.

## 2-2001.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “FUND” MEANS THE URBAN AGRICULTURE GRANT FUND.

(C) “PROGRAM” MEANS THE URBAN AGRICULTURE GRANT PROGRAM.

## 2-2002.

(A) THERE IS AN URBAN AGRICULTURE GRANT PROGRAM IN THE DEPARTMENT.

(B) THE PURPOSE OF THE PROGRAM IS TO INCREASE THE VIABILITY OF URBAN FARMING AND IMPROVE ACCESS TO URBAN-GROWN FOODS.

## 2-2003.

(A) THERE IS AN URBAN AGRICULTURE GRANT FUND.

(B) THE PURPOSE OF THE FUND IS TO PROVIDE GRANTS TO NONPROFIT ORGANIZATIONS IN BALTIMORE CITY TO IMPLEMENT THE PROGRAM.

(C) THE SECRETARY SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(E) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND FROM THE STATE’S SHARE OF PROGRAM OPEN SPACE FUNDS IN ACCORDANCE WITH § 5-903(A) OF THE NATURAL RESOURCES ARTICLE; AND

(2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR

1 THE BENEFIT OF THE FUND.

2 (F) IN ACCORDANCE WITH THIS SUBSECTION, THE FUND SHALL BE USED TO  
3 PROVIDE GRANTS TO NONPROFIT ORGANIZATIONS THAT:

4 (1) MEET THE QUALIFICATIONS ESTABLISHED IN § 2-2004 OF THIS  
5 SUBTITLE; AND

6 (2) DISTRIBUTE THE GRANT MONEY TO URBAN AGRICULTURAL  
7 PRODUCERS IN ACCORDANCE WITH THIS SUBTITLE.

8 2-2004.

9 (A) A NONPROFIT ORGANIZATION IS QUALIFIED TO RECEIVE A GRANT IN  
10 ACCORDANCE WITH THIS SUBTITLE IF THE DEPARTMENT DETERMINES THAT THE  
11 NONPROFIT ORGANIZATION:

12 (1) IS LOCATED IN BALTIMORE CITY; AND

13 (2) WORKS TO INCREASE THE VIABILITY OF URBAN FARMING AND  
14 IMPROVE ACCESS TO URBAN-GROWN FOODS.

15 (B) WITHIN 90 DAYS AFTER THE END OF A GRANT CYCLE, A QUALIFIED  
16 NONPROFIT ORGANIZATION THAT RECEIVED A GRANT IN ACCORDANCE WITH THIS  
17 SUBTITLE SHALL SUBMIT A REPORT TO THE DEPARTMENT THAT INCLUDES THE  
18 FOLLOWING INFORMATION:

19 (1) THE NAMES AND LOCATIONS OF URBAN AGRICULTURAL  
20 PRODUCERS THAT RECEIVED FUNDS UNDER THE PROGRAM;

21 (2) THE DOLLAR AMOUNT OF FUNDS AWARDED TO EACH URBAN  
22 AGRICULTURAL PRODUCER; AND

23 (3) THE IMPACT OF THE PROGRAM ON INCREASING THE VIABILITY OF  
24 URBAN FARMING AND IMPROVING ACCESS TO URBAN-GROWN FOODS.

25 2-2005.

26 THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.

27 Article – Natural Resources

28 5-903.

1 (a) (1) (i) Of the funds distributed to Program Open Space under § 13–209  
2 of the Tax – Property Article, up to \$3,000,000 may be transferred by an appropriation in  
3 the State budget, or by an amendment to the State budget under Title 7, Subtitle 2 of the  
4 State Finance and Procurement Article, to the Maryland Heritage Areas Authority  
5 Financing Fund established under Title 13, Subtitle 11 of the Financial Institutions Article  
6 to be used for the purposes provided in that subtitle.

7 (ii) Of the amount transferred under subparagraph (i) of this  
8 paragraph, up to \$300,000 may be distributed to the Maryland Historical Trust within the  
9 Department of Planning to be awarded as noncapital historic preservation grants.

10 (2) (i) 1. Of the remaining funds not appropriated under paragraph  
11 (1) of this subsection:

12 A. One half of the funds shall be used for recreation and open  
13 space purposes by the Department and the Historic St. Mary’s City Commission; and

14 B. 20% of the funds or \$21,000,000, whichever is greater,  
15 shall be appropriated to the Forest and Park Service in the Department to operate State  
16 forests and parks.

17 2. Except as otherwise provided in this section, any funds the  
18 General Assembly appropriates to the State under this subsection shall be used only for  
19 land acquisition projects.

20 (ii) 1. As specified in subparagraph 2 of this subparagraph, a  
21 portion of the State’s share of funds available under subparagraph (i)1A of this paragraph  
22 for this program shall be utilized to make grants to Baltimore City for projects which meet  
23 park purposes. The grants shall be in addition to any funds Baltimore City is eligible to  
24 receive under subsection (b) of this section, and may be used for acquisition or development.  
25 In order for Baltimore City to be eligible for a State grant, the Department shall review  
26 projects or land to be acquired within Baltimore City, and upon the Department’s  
27 recommendation, the Board of Public Works may approve projects and land including the  
28 cost. Title to the land shall be in the name of the Mayor and City Council of Baltimore City.  
29 The State is not responsible for costs involved in the development or maintenance of the  
30 land.

31 2. The grants to Baltimore City under subparagraph 1 of  
32 this subparagraph shall be made in the following amounts:

33 A. For fiscal year 2017, \$1,500,000;

34 B. For fiscal year 2018, \$3,500,000;

35 C. For fiscal year 2019, \$5,500,000; and

36 D. For fiscal year 2020, and for each subsequent fiscal year,

1 \$6,000,000.

2 3. The grants made under this subparagraph supplement  
3 rather than supplant any other funding for park purposes in Baltimore City, no matter the  
4 source.

5 4. For fiscal year 2018, the grant funds to Baltimore City in  
6 excess of \$1,500,000 under subparagraph 1 of this subparagraph may only be used for  
7 capital purposes related to the following projects in the amounts specified:

8 A. \$400,000 for Herring Run Park;

9 B. \$500,000 for Clifton Park;

10 C. \$300,000 for Druid Hill Park Trail Head;

11 D. \$300,000 for athletic field renovations at Gwynns Falls  
12 Park;

13 E. \$300,000 for Patterson Park; and

14 F. \$200,000 for field lights and other improvements at  
15 Frederic B. Leidig Recreation Center.

16 5. For fiscal year 2019, a portion of the grant funds to  
17 Baltimore City in excess of \$1,500,000 under subparagraph 1 of this subparagraph may  
18 only be used for capital purposes related to the following projects in the amounts specified:

19 A. \$100,000 for Herring Run Park;

20 B. \$100,000 for Clifton Park; and

21 C. \$100,000 for field lights and other improvements at  
22 Frederic B. Leidig Recreation Center.

23 (iii) 1. A portion of the State's share of funds available under  
24 subparagraph (i)1A of this paragraph for this program not to exceed \$8,000,000 for each  
25 fiscal year may be transferred by an appropriation in the State budget to the Rural Legacy  
26 Program under Subtitle 9A of this title.

27 2. In each fiscal year, up to \$2 million of the funds  
28 transferred under this subparagraph to the Rural Legacy Program may be used to purchase  
29 zero coupon bonds for easements.

30 3. Sums allocated to the Rural Legacy Program may not  
31 revert to the General Fund of the State.

1 (iv) In addition to the \$3,000,000 under subsection (a)(1)(i) of this  
2 section that may be transferred to the Maryland Heritage Areas Authority Financing Fund,  
3 up to \$3,000,000 of the State's share of funds available under subparagraph (i)1A of this  
4 paragraph may be transferred by an appropriation in the State budget or by an amendment  
5 to the State budget under Title 7, Subtitle 2 of the State Finance and Procurement Article  
6 to the Maryland Heritage Areas Authority Financing Fund established under Title 13,  
7 Subtitle 11 of the Financial Institutions Article to be used for the purposes provided in that  
8 subtitle.

9 (v) The Department may acquire real property under subparagraph  
10 (i)1A of this paragraph based on an offer by the State that is less than the lowest approved  
11 appraisal for the property.

12 (vi) For each of fiscal years 2010 through 2015, \$1,217,000 of the  
13 State's share of funds available under subparagraph (i)1A of this paragraph may be  
14 appropriated in the budgets of the Department, the Department of General Services, and  
15 the Department of Planning for expenses necessary to administer this Program.

16 **(VII) FOR EACH OF FISCAL YEARS 2022 AND 2025, AT LEAST**  
17 **\$400,000 OF THE STATE'S SHARE OF FUNDS AVAILABLE UNDER SUBPARAGRAPH**  
18 **(I)1A OF THIS PARAGRAPH SHALL BE APPROPRIATED IN THE STATE BUDGET TO THE**  
19 **URBAN AGRICULTURE GRANT FUND ESTABLISHED UNDER TITLE 2, SUBTITLE 20**  
20 **OF THE AGRICULTURE ARTICLE.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
22 1, 2020.