

Chapter 394

(Senate Bill 942)

AN ACT concerning

**Agriculture – Urban Agriculture Water and Power Infrastructure Grant
Program and Fund – Establishment**

FOR the purpose of establishing the Urban Agriculture Water and Power Infrastructure Grant Program in the Department of Agriculture to increase the viability of urban farming and community gardens and improve access to urban-grown foods; establishing the Urban Agriculture Water and Power Infrastructure Grant Fund as a special, nonlapsing fund; and generally relating to the Urban Agriculture Water and Power Infrastructure Grant Program and Fund.

BY adding to

Article – Agriculture

Section 2–2101 through 2–2104 to be under the new subtitle “Subtitle 21. Urban Agriculture Water and Power Infrastructure Grant Program”

Annotated Code of Maryland

(2016 Replacement Volume and 2021 Supplement)

BY adding to

Article – Tax – Property

Section 13–209(g)(4)(i)5.

Annotated Code of Maryland

(2019 Replacement Volume and 2021 Supplement)

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

Article – Agriculture

**SUBTITLE 21. URBAN AGRICULTURE WATER AND POWER INFRASTRUCTURE
GRANT PROGRAM.**

2–2101.

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

(B) “FARM PRODUCT” MEANS:

(1) ANY AGRICULTURAL, HORTICULTURAL, VEGETABLE, OR FRUIT PRODUCT OF THE SOIL, WHETHER RAW OR CANNED, FROZEN, DRIED, PICKLED, OR OTHERWISE PROCESSED;

(2) LIVESTOCK, MEATS, MARINE FOOD PRODUCTS, POULTRY, EGGS, OR DAIRY PRODUCTS;

(3) WOOL, HIDES, FEATHERS, NUTS, OR HONEY; OR

(4) ANY PRODUCT OF FARM, FOREST, ORCHARD, GARDEN, OR WATER.

(C) “FUND” MEANS THE URBAN AGRICULTURE WATER AND POWER INFRASTRUCTURE GRANT FUND.

(D) “PROGRAM” MEANS THE URBAN AGRICULTURE WATER AND POWER INFRASTRUCTURE GRANT PROGRAM.

(E) “QUALIFIED NONPROFIT ORGANIZATION” MEANS A NONPROFIT ORGANIZATION THAT OPERATES A FARM OR COMMUNITY GARDEN IN AN ~~URBAN~~ AREA OF THE STATE, ~~AS DEFINED BY THE DEPARTMENT~~ DELINEATED AS AN URBAN AREA BY THE U.S. CENSUS BUREAU.

(F) “URBAN AGRICULTURAL PRODUCER” MEANS ANY PERSON THAT:

(1) ANNUALLY PRODUCES FARM PRODUCTS IN AN ~~URBAN~~ AREA OF THE STATE, ~~AS DEFINED BY THE DEPARTMENT~~ DELINEATED AS AN URBAN AREA BY THE U.S. CENSUS BUREAU; AND

(2) SELLS, PLANS TO SELL, OR NORMALLY WOULD HAVE SOLD AT LEAST \$1,000 ANNUALLY OF FARM PRODUCTS PRODUCED FROM A FARMING OPERATION IN THE STATE.

2-2102.

(A) THERE IS AN URBAN AGRICULTURE WATER AND POWER INFRASTRUCTURE GRANT PROGRAM IN THE DEPARTMENT.

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

2-2103.

(A) THERE IS AN URBAN AGRICULTURE WATER AND POWER INFRASTRUCTURE GRANT FUND.

(B) THE PURPOSE OF THE FUND IS TO PROVIDE GRANTS TO URBAN AGRICULTURAL PRODUCERS AND QUALIFIED NONPROFIT ORGANIZATIONS FOR THE PURCHASE AND INSTALLATION OF:

(1) AGRICULTURE EQUIPMENT ASSOCIATED WITH WATER SUPPLY AND IRRIGATION; AND

(2) ELECTRIC POWER ACCESS.

(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;

(2) MONEY APPROPRIATED TO THE FUND UNDER § 13-209 OF THE TAX – PROPERTY ARTICLE; AND

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(F) THE FUND MAY BE USED ONLY FOR:

(1) PROVIDING UP TO 87.5% OF MATCHING FUNDS TO URBAN AGRICULTURAL PRODUCERS AND QUALIFIED NONPROFIT ORGANIZATIONS FOR THE PURCHASE AND INSTALLATION OF:

(I) WATER METERS;

(II) WATER PIPES;

(III) IRRIGATION HOSES;

(IV) ELECTRIC METERS;

(v) ELECTRICAL LINES; OR

(vi) ANY OTHER EQUIPMENT ASSOCIATED WITH WATER SUPPLY AND IRRIGATION OR ELECTRIC POWER ACCESS THE DEPARTMENT DETERMINES IS APPROPRIATE; AND

(2) ADMINISTRATIVE COSTS FOR THE DEPARTMENT TO ADMINISTER THE PROGRAM.

(g) ON OR BEFORE OCTOBER 15 EACH YEAR, BEGINNING IN 2024, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE ON THE EFFECTIVENESS OF THE FUNDING PROVIDED UNDER THIS SECTION.

2-2104.

THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

Article – Tax – Property

13-209.

(g) (4) (i) 5. FOR EACH OF FISCAL YEARS 2024, 2025, 2026, AND 2027, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL A GENERAL FUND APPROPRIATION OF \$500,000 TO THE URBAN AGRICULTURE WATER AND POWER INFRASTRUCTURE GRANT FUND ESTABLISHED UNDER § 2-2103 OF THE AGRICULTURE ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

Approved by the Governor, May 16, 2022.