

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

House Bill 804

(Delegate James)

Environmental Matters

Education, Health, and Environmental Affairs

Maryland Agricultural Land Preservation Foundation - Guidelines for Easement
Rankings

This bill requires a county governing body, when ranking easement applications under the Maryland Agricultural Land Preservation Program, to consider the guidelines adopted by the Maryland Agricultural Land Preservation Foundation (MALPF) to identify easements for purchase that further the goals of the program. The guidelines adopted by MALPF must include consideration of several specified factors, such as location, soil productivity, and agricultural production.

Fiscal Summary

State Effect: The bill would not directly affect total MALPF funding. MALPF could develop guidelines with existing resources. To the extent the bill results in easements being purchased that better reflect MALPF goals, the State will get a better value from its investment.

Local Effect: While some counties may need to modify their ranking systems in order to consider the guidelines developed by MALPF, counties should be able to do so with existing resources.

Small Business Effect: Minimal.

Analysis

Current Law: Within 30 days after the receipt of an application to sell, MALPF must notify the governing body of the county containing the land that an application has been received. Within 60 days of the notification, the county governing body must advise MALPF as to local approval or disapproval. In deciding whether to approve the application, the county governing body must receive the recommendation of the county

agricultural preservation advisory board and must rank all applications based on its locally established priorities as approved by MALPF. For purposes of enhancing competitive bidding, this may include a system that ranks properties in ascending order with respect to the proportion obtained by dividing the asking price by the value of the easement (i.e., the landowner's willingness to discount the asking price from the easement value, or discount bidding).

Background: Chapter 634 of 2000 created a task force to study MALPF and make recommendations for improvements. In its August 2001 report to the Governor and the General Assembly, the task force recommended, among other things, that its charge be extended to complete the development of proposals for the 2003 session. Chapter 473 of 2002 reestablished the task force. In its January 2003 report, the task force made several recommendations. With respect to easement ranking procedures, the task force recommended that legislation be adopted to modify current procedures to help the program achieve its goals by focusing acquisition on good farmland protected from development by zoning. Specifically, the task force recommended that MALPF, in consultation with counties, should: (1) develop new guidelines for county ranking systems based on location in a Priority Preservation Area, soil and other land characteristics associated with productivity, agricultural production and contribution to the agricultural economy, and any other unique considerations that support MALPF's goals; (2) work to establish ranking systems consistent with the new guidelines; and (3) retain the benefits of discount bidding. This bill is a direct result of those recommendations.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Agriculture, Montgomery County, Department of Legislative Services

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