

SENATE BILL 8

M4

71r0349

(PRE-FILED)

By: **Senator Garagiola**

Requested: August 15, 2006

Introduced and read first time: January 10, 2007

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Commission for the Montgomery County Agricultural Reserve**

3 FOR the purpose of creating the Maryland Commission for the Montgomery County
4 Agricultural Reserve; providing for the appointment of members of the
5 Commission; providing for the terms of the members of the Commission;
6 providing that a commissioner who fails to attend a certain number of meetings
7 during a certain time period is considered to have resigned; providing for
8 appointment of members in case of a vacancy during an unexpired term;
9 providing for the duties of the Commission; prohibiting a commissioner from
10 receiving certain compensations, but authorizing a commissioner to receive
11 certain reimbursements; requiring the Commission to elect the chair of the
12 Commission; authorizing the Commission to accept certain funds under certain
13 circumstances; requiring certain State agencies to provide a liaison to the
14 Commission; requiring the Commission to report annually to certain local
15 governmental units, and to the Governor and General Assembly; and generally
16 relating to the Maryland Commission for the Montgomery County Agricultural
17 Reserve.

18 BY adding to

19 Article – Agriculture

20 Section 2–1301 through 2–1306 to be under the new subtitle “Subtitle 13.

21 Maryland Commission for the Montgomery County Agricultural Reserve”

22 Annotated Code of Maryland

23 (1999 Replacement Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Preamble

2 WHEREAS, Montgomery County has a rich agricultural heritage centered in
3 private and public lands that comprise more than 90,000 acres of farmland in the
4 Montgomery County Agricultural Reserve; and

5 WHEREAS, The Agricultural Reserve was established more than 25 years ago
6 by the Montgomery County Council and the Maryland–National Capital Park and
7 Planning Commission in response to the rapid disappearance of Montgomery County
8 farms and is now a nationally acclaimed land–use model for preservation of
9 agricultural lands; and

10 WHEREAS, Farming in Montgomery County plays an important role in the
11 county’s economy by employing 10,000 people and providing more than \$250 million to
12 the economy annually; and

13 WHEREAS, Montgomery County provides wholesome, fresh, and essential
14 agricultural products from its 350 horticultural enterprises and 577 farms, the
15 majority of which are family–run operations that go back several generations; and

16 WHEREAS, The Agricultural Reserve preserves and protects farmland, open
17 space, streams, and waterways, enhancing conservation and restoration efforts in the
18 Chesapeake Bay watershed; and

19 WHEREAS, The Agricultural Reserve is a treasure to the county and to the
20 State and provides vital educational, historical, and recreational resources to all
21 citizens of the State, therefore stewardship of these lands is critical for future
22 generations; and

23 WHEREAS, The survival of the Agricultural Reserve depends on public and
24 private cooperation to promote and enhance its purpose and to protect it from future
25 threats to its economic, cultural, and environmental integrity, thus, a Maryland
26 Commission on the Montgomery County Agricultural Reserve is needed in order to
27 secure its future; now, therefore,

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

1 **Article - Agriculture**

2 **SUBTITLE 13. MARYLAND COMMISSION FOR THE MONTGOMERY COUNTY**
3 **AGRICULTURAL RESERVE.**

4 **2-1301.**

5 **IN THIS SUBTITLE, "COMMISSION" MEANS THE MARYLAND COMMISSION**
6 **ON THE MONTGOMERY COUNTY AGRICULTURAL RESERVE.**

7 **2-1302.**

8 **THERE IS A MARYLAND COMMISSION ON THE MONTGOMERY COUNTY**
9 **AGRICULTURAL RESERVE.**

10 **2-1303.**

11 **(A) THE COMMISSION CONSISTS OF:**

12 **(1) FIVE MEMBERS APPOINTED BY THE GOVERNOR, IN**
13 **ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION;**

14 **(2) FOUR MEMBERS APPOINTED BY THE PRESIDENT OF THE**
15 **SENATE, IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION;**

16 **(3) FOUR MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE**
17 **OF DELEGATES, IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION;**

18 **(4) THE SECRETARY OF NATURAL RESOURCES, OR THE**
19 **SECRETARY'S DESIGNEE;**

20 **(5) THE SECRETARY OF THE ENVIRONMENT, OR THE**
21 **SECRETARY'S DESIGNEE;**

22 **(6) THE COUNTY EXECUTIVE OF MONTGOMERY COUNTY, OR THE**
23 **COUNTY EXECUTIVE'S DESIGNEE;**

24 **(7) THE PRESIDENT OF THE MONTGOMERY COUNTY COUNCIL,**
25 **OR THE PRESIDENT'S DESIGNEE; AND**

1 **(8) THE CHAIR OF THE MONTGOMERY COUNTY PLANNING**
2 **BOARD, OR THE CHAIR'S DESIGNEE.**

3 **(B) THE MEMBERS OF THE COMMISSION THAT ARE APPOINTED BY THE**
4 **GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE**
5 **HOUSE OF DELEGATES SHALL REFLECT A CROSS SECTION OF INTERESTS**
6 **WITHIN THE MONTGOMERY COUNTY AGRICULTURAL RESERVE, INCLUDING:**

7 **(1) ONE REPRESENTATIVE FROM A LOCALLY ELECTED OFFICIAL**
8 **WITHIN MONTGOMERY COUNTY;**

9 **(2) ONE REPRESENTATIVE FROM A LOCAL GOVERNMENT'S PARK,**
10 **PLANNING, OR ENVIRONMENTAL AGENCY;**

11 **(3) ONE REPRESENTATIVE FROM A NONPROFIT ENVIRONMENTAL**
12 **OR AGRICULTURAL ORGANIZATION;**

13 **(4) ONE REPRESENTATIVE FROM THE REAL ESTATE, ECONOMIC**
14 **DEVELOPMENT, OR AGRICULTURAL BUSINESS COMMUNITY; AND**

15 **(5) ONE REPRESENTATIVE FROM A LOCAL LAND TRUST OR AN**
16 **ORGANIZATION WITH EXPERTISE IN LAND PRESERVATION.**

17 **(C) THE COMMISSION SHALL ELECT A CHAIR FROM AMONG ITS**
18 **MEMBERS.**

19 **(D) (1) THE TERM OF A COMMISSIONER IS 3 YEARS.**

20 **(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY**
21 **THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON OCTOBER 1,**
22 **2007.**

23 **(3) AT THE END OF A TERM, THE COMMISSIONER CONTINUES TO**
24 **SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

25 **(4) A COMMISSIONER WHO IS APPOINTED AFTER A TERM HAS**
26 **BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS**
27 **APPOINTED AND QUALIFIES.**

1 **(5) A COMMISSIONER MAY NOT SERVE MORE THAN TWO**
2 **CONSECUTIVE 3-YEAR TERMS.**

3 **(6) A COMMISSIONER THAT FAILS TO ATTEND AT LEAST 50**
4 **PERCENT OF THE REGULARLY SCHEDULED MEETINGS DURING ANY 12-MONTH**
5 **PERIOD SHALL BE CONSIDERED TO HAVE RESIGNED.**

6 **(7) (I) SUBJECT TO THE HEARING REQUIREMENTS OF THIS**
7 **PARAGRAPH, THE GOVERNOR MAY REMOVE A COMMISSIONER FOR CAUSE.**

8 **(II) BEFORE THE GOVERNOR REMOVES A MEMBER, THE**
9 **GOVERNOR SHALL GIVE THE MEMBER NOTICE AND AN OPPORTUNITY FOR A**
10 **PUBLIC HEARING.**

11 **(E) THE GOVERNOR SHALL APPOINT A NEW MEMBER IF A VACANCY**
12 **OCCURS DURING AN UNEXPIRED TERM.**

13 **(F) A COMMISSIONER MAY NOT RECEIVE COMPENSATION FOR SERVICE**
14 **ON THE COMMISSION BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES**
15 **UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE**
16 **STATE BUDGET.**

17 **2-1304.**

18 **(A) IN ACCORDANCE WITH THE STATE BUDGET, THE COMMISSION MAY:**

19 **(1) EMPLOY A STAFF; AND**

20 **(2) MAKE NECESSARY EXPENDITURES.**

21 **(B) (1) THE COMMISSION, SUBJECT TO THE APPROVAL OF THE**
22 **SECRETARY, MAY ACCEPT:**

23 **(I) FEDERAL FUNDS GRANTED BY CONGRESS OR**
24 **EXECUTIVE ORDER FOR ANY OF THE PURPOSES OF THIS SUBTITLE; AND**

25 **(II) PRIVATE GIFTS AND DONATIONS FROM INDIVIDUALS,**
26 **PRIVATE ORGANIZATIONS, OR FOUNDATIONS.**

1 **(2) THE ACCEPTANCE AND USE OF FEDERAL FUNDS MAY NOT BE**
2 **CONSIDERED A COMMITMENT OF STATE FUNDS AND PLACES NO OBLIGATION ON**
3 **THE GENERAL ASSEMBLY TO CONTINUE THE PURPOSES FOR WHICH THE FUNDS**
4 **ARE MADE AVAILABLE.**

5 **(3) THE DEPARTMENT SHALL INCLUDE THE COMMISSION IN ITS**
6 **ANNUAL BUDGET.**

7 **2-1305.**

8 **(A) THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO**
9 **THE COMMISSION, INCLUDING:**

10 **(1) ASSISTING THE COMMISSION IN ADMINISTERING AN**
11 **OPERATING BUDGET; AND**

12 **(2) PROVIDING STAFF AS NECESSARY UNTIL THE COMMISSION**
13 **EMPLOYS ITS OWN STAFF.**

14 **(B) (1) THE COMMISSION SHALL HAVE THE FULL COOPERATION OF**
15 **ALL EXECUTIVE DEPARTMENTS AND AGENCIES OF THE STATE IN THE**
16 **PERFORMANCE OF ITS DUTIES.**

17 **(2) THE FOLLOWING STATE AGENCIES SHALL DESIGNATE A**
18 **LIAISON THAT SHALL BE THE PRIMARY CONTACT FROM THE AGENCY FOR THE**
19 **COMMISSION:**

20 **(I) DEPARTMENT OF AGRICULTURE;**

21 **(II) DEPARTMENT OF BUSINESS AND ECONOMIC**
22 **DEVELOPMENT;**

23 **(III) DEPARTMENT OF HOUSING AND COMMUNITY**
24 **DEVELOPMENT;**

25 **(IV) DEPARTMENT OF THE ENVIRONMENT; AND**

26 **(V) DEPARTMENT OF NATURAL RESOURCES.**

1 **2-1306.**

2 (A) **THE COMMISSION SHALL:**

3 (1) **FOSTER COORDINATION WITH STATE AGENCIES TO FURTHER**
4 **THE OBJECTIVES AND BROADEN THE INTEREST-BASE OF THE AGRICULTURAL**
5 **RESERVE PROGRAM, INCLUDING:**

6 (I) **INCORPORATING THE AGRICULTURAL RESERVE**
7 **WITHIN CAPITAL DESIGN PROJECTS AND LAND MANAGEMENT PROGRAMS; AND**

8 (II) **WORKING WITH EXISTING LAND PRESERVATION**
9 **PROGRAMS, SUCH AS PROGRAM OPEN SPACE, RURAL LEGACY, AND THE**
10 **MARYLAND ENVIRONMENTAL TRUST TO AID IN FUNDING AND SUPPORTING THE**
11 **AGRICULTURAL RESERVE;**

12 (2) **EXPLORE MEANS FOR ADDING AND PROTECTING LANDS**
13 **WITHIN THE AGRICULTURAL RESERVE, UNDER CONSERVATION EASEMENTS**
14 **AND LAND TRUSTS, INCLUDING INCENTIVES TO ENCOURAGE PARTICIPATION IN**
15 **THE RESERVE;**

16 (3) **ENCOURAGE LOCAL GOVERNMENTS TO COORDINATE**
17 **ACTIVITIES AND APPROPRIATE BUDGETS THAT INCREASE IMPLEMENTATION OF**
18 **THE AGRICULTURAL RESERVE IN THEIR JURISDICTIONS, INCLUDING:**

19 (I) **DEVELOPING LAND PROTECTION PROJECTS THAT WILL**
20 **BE ELIGIBLE FOR FUNDING UNDER PROGRAM OPEN SPACE AND THE FEDERAL**
21 **LAND AND WATER CONSERVATION FUND; AND**

22 (II) **ESTABLISHING LEGAL AND ADMINISTRATIVE TOOLS**
23 **THAT ARE NECESSARY TO ENSURE LOCAL PROJECTS ARE REFLECTED IN STATE**
24 **PLANS AND PROGRAMS REGARDING AGRICULTURAL LAND PRESERVATION;**

25 (4) **MAINTAIN AN ACTIVE OUTREACH PROGRAM WITH PRIVATE**
26 **NONPROFIT CONSERVATION ORGANIZATIONS, GRASSROOTS ORGANIZATIONS,**
27 **AND THE PUBLIC TO ADVANCE THE AGRICULTURAL RESERVE PROGRAM; AND**

1 **(5) COORDINATE WITH REPRESENTATIVES OF OTHER STATES,**
2 **FEDERAL AGENCIES, LOCAL GOVERNMENTS, AND PRIVATE ORGANIZATIONS TO**
3 **FURTHER COMMUNICATION AND INFORMATION REGARDING PRESERVATION OF**
4 **AGRICULTURAL LANDS AND DEVELOPMENT OF AGRICULTURAL BUSINESS**
5 **INDUSTRIES.**

6 **(B) (1) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE**
7 **COMMISSION SHALL SUBMIT AN ANNUAL REPORT ON ITS FINDINGS AND**
8 **RECOMMENDATIONS FOR LEGISLATIVE, REGULATORY, OR ADMINISTRATIVE**
9 **CHANGES THE COMMISSION DETERMINES IS NECESSARY TO FURTHER THE**
10 **PRESERVATION, CONSERVATION, AND AGRICULTURAL DEVELOPMENT OF THE**
11 **MONTGOMERY COUNTY AGRICULTURAL RESERVE.**

12 **(2) THE ANNUAL REPORT SHALL BE SUBMITTED TO:**

13 **(I) THE MONTGOMERY COUNTY COUNCIL AND COUNTY**
14 **EXECUTIVE;**

15 **(II) THE MONTGOMERY COUNTY PLANNING BOARD;**

16 **(III) THE GOVERNOR; AND**

17 **(IV) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT**
18 **ARTICLE, THE GENERAL ASSEMBLY.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
20 members of the Maryland Commission for the Montgomery County Agricultural
21 Reserve shall expire as follows:

22 (1) four members in 2008;

23 (2) four members in 2009; and

24 (3) five members in 2010.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2007.