

SENATE BILL 915

M1

8lr2624

By: **Senator Middleton**

Introduced and read first time: February 20, 2008

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Task Force on the Future Conservation of Maryland's Open Space and**
3 **Farmland**

4 FOR the purpose of establishing a Task Force on the Future Conservation of
5 Maryland's Open Space and Farmland; providing for the membership of the
6 Task Force; providing for the designation of a chair of the Task Force; providing
7 for staff for the Task Force; prohibiting a member of the Task Force from
8 receiving compensation; authorizing a member of the Task Force to receive
9 reimbursement for certain expenses; requiring the Task Force to make certain
10 evaluations and determinations; requiring the Task Force to report its findings
11 and recommendations to the Governor and General Assembly on or before a
12 certain date; providing for the termination of this Act; and generally relating to
13 conserving open space and farmland in Maryland.

14 Preamble

15 WHEREAS, Maryland is a national pioneer and leader in land preservation,
16 preserving more productive farmland than any other state in the country, approaching
17 500,000 acres or 8% of Maryland's total land area; and

18 WHEREAS, The preservation of agricultural land maintains the land resource
19 base on which Maryland's agricultural industry depends, provides sources of
20 agricultural products for the citizens of the State, helps control urban expansion and
21 sprawl development, provides land as open space, protects wildlife habitat, and
22 enhances the environmental quality of the Chesapeake Bay and its many tributaries;
23 and

24 WHEREAS, The per acre cost of easement acquisition has tripled in 5 years
25 from approximately \$2,000 per acre to \$6,000 per acre due to the increase in Maryland
26 real estate values. In 2002, \$30 million would purchase 15,000 acres of preserved land,
27 while in 2007, \$30 million would purchase only 5,000 acres of preserved land; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, The Maryland Agricultural Land Preservation Foundation Task
2 Force in December 2004 calculated that, even with full funding based on traditional
3 dedicated revenues from the real estate and agricultural land transfer taxes, land
4 preservation efforts will fall somewhere between 217,000 and 412,000 acres short of
5 the 1.03 million acre goal for 2022, corresponding to funding shortfalls of somewhere
6 between \$460 million and \$1.3 million. Since those calculations were made, significant
7 funding was diverted from land preservation to the General Fund and per acre
8 acquisition costs have tripled, putting Maryland's land preservation efforts even
9 further behind; and

10 WHEREAS, The average age and largest number of landowners seeking to
11 preserve their land are between the ages of 55 and 65. These landowners typically do
12 land preservation for estate planning (including the intergenerational transfer of
13 farms) and retirement purposes, and the number of these landowners is increasing as
14 the "baby boom bubble" moves through the population; and

15 WHEREAS, The Maryland Agricultural Land Preservation Foundation has
16 purchased or has offers pending to purchase perpetual easements on 1,933 farms
17 totaling 265,691 acres as of September 30, 2007; and

18 WHEREAS, The number of applications to sell agricultural land preservation
19 easements to the Maryland Agricultural Land Preservation Foundation has reached a
20 record high of 460 for the fiscal year 2008 easement acquisition cycle, up from 325 in
21 fiscal year 2007 and 123 in fiscal year 2006; and

22 WHEREAS, Maryland is currently losing farmland at a rate of approximately
23 20,000 acres per year; now, therefore,

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That:

26 (a) There is a Task Force on the Future of Conservation of Maryland's Open
27 Space and Farmland.

28 (b) The Task Force consists of the following members:

29 (1) one member of the Senate, appointed by the President of the
30 Senate;

31 (2) one member of the House of Delegates, appointed by the Speaker of
32 the House of Delegates;

33 (3) a representative of the Department of Agriculture, appointed by
34 the Secretary of Agriculture;

35 (4) a representative of the Department of Natural Resources,
36 appointed by the Secretary of Natural Resources;

1 (5) a representative of the Department of Planning, appointed by the
2 Secretary of Planning;

3 (6) a representative of the Department of Budget and Management,
4 appointed by the Secretary of Budget and Management; and

5 (7) the following five members, appointed by the Governor:

6 (i) one representative of the Maryland Agricultural Land
7 Preservation Foundation;

8 (ii) one representative of the Maryland Agricultural and
9 Resource-Based Industry Development Corporation (MARBIDCO);

10 (iii) one representative of the Rural Maryland Council;

11 (iv) one representative of the Maryland Association of Counties;
12 and

13 (v) one representative of the Maryland Municipal League.

14 (c) The Governor shall designate the chair of the Task Force.

15 (d) The State agencies represented on the Task Force shall provide staff for
16 the Task Force.

17 (e) A member of the Task Force:

18 (1) may not receive compensation as a member of the Task Force; but

19 (2) is entitled to reimbursement for expenses under the Standard
20 State Travel Regulations, as provided in the State budget.

21 (f) The Task Force shall:

22 (1) evaluate, determine, and project the impact that demographic
23 changes have had, and may have, on land conversions throughout the State;

24 (2) evaluate whether the State has adequate funding capacity within
25 its land preservation programs to accommodate potentially extensive land ownership
26 transfers and land conversions; and

27 (3) determine various financing mechanisms and potential resources
28 for land acquisition in the future.

1 (g) On or before October 1, 2009, the Task Force shall report its findings and
2 recommendations to the Governor and, in accordance with § 2-1246 of the State
3 Government Article, the General Assembly.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2008. It shall remain effective for a period of 1 year and, at the end of
6 September 30, 2009, with no further action required by the General Assembly, this Act
7 shall be abrogated and of no further force and effect.