

SENATE BILL 915

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By: ~~Senator Middleton~~ **Senators Middleton, Dyson, Harris, and Colburn**

Introduced and read first time: February 20, 2008

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 3, 2008

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2008

CHAPTER _____

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 enhances the environmental quality of the Chesapeake Bay and its many tributaries;
2 and

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

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

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

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

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

28 WHEREAS, Maryland is currently losing farmland at a rate of approximately
29 20,000 acres per year; now, therefore,

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
31 MARYLAND, That:

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

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

35 (1) one member of the Senate, appointed by the President of the
36 Senate;

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

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

5 (4) a representative of the Department of Natural Resources,
 6 appointed by the Secretary of Natural Resources;

7 (5) a representative of the Department of Planning, appointed by the
 8 Secretary of Planning;

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

11 (7) the following ~~five~~ 12 members, appointed by the Governor:

12 (i) one representative of the Maryland Agricultural Land
 13 Preservation Foundation;

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

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

17 (iv) one representative of the Maryland Association of Counties;
 18 ~~and~~

19 (v) one representative of the Maryland Municipal League;

20 (vi) one representative of the Maryland Parks and Recreation
 21 Association;

22 (vii) one representative of the Maryland Farm Bureau;

23 (viii) one representative of a local land trust organization;

24 (ix) one representative of a national land trust organization;

25 (x) one representative of the Rural Legacy Board;

26 (xi) one representative of Partners for Open Space; and

27 (xii) one representative of the Maryland Forestry Community.

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

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

3 (e) A member of the Task Force:

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

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

7 (f) The Task Force shall:

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

10 (2) evaluate whether the State has adequate human resource funding
11 capacity within its land preservation programs to accommodate potentially extensive
12 land ownership transfers and land conversions; ~~and~~

13 (3) evaluate whether the State should allow a local government to use
14 Program Open Space funds for development projects after the local government has
15 attained its acreage acquisition goals; and

16 ~~(3)~~ (4) determine various financing mechanisms and potential
17 resources for land acquisition in the future.

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.