

Department of Legislative Services  
Maryland General Assembly  
2008 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 939

(Prince George's County Delegation and Montgomery  
County Delegation)

Environmental Matters

Education, Health, and Environmental Affairs

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Maryland-National Capital Park and Planning Commission - Prince George's  
County Agricultural Preservation Easement Program  
PG/MC 116-08

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This bill establishes a Prince George's County Agricultural Preservation Easement Program to be administered by the Prince George's County Soil Conservation District (SCD). The bill also establishes a Prince George's County Agricultural Easement Fund to be used to purchase perpetual agricultural preservation easements; the fund would be financed through the Maryland-National Capital Park and Planning Commission's annual budget. The bill establishes several provisions relating to the fund and its uses and provides various authorities to the Prince George's County Council relating to agricultural land preservation. Among other things, the bill authorizes the Prince George's County Planning Board of M-NCPPC to purchase easements outside the metropolitan district but within the Maryland-Washington Regional District.

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**Fiscal Summary**

**State Effect:** The bill would not significantly affect State operations or finances.

**Local Effect:** Prince George's County has already established an agricultural preservation easement program but has not spent any budgeted funds due to the lack of explicit authority to do so. M-NCPPC advises that it has included \$7.5 million for this purpose in its proposed FY 2009 budget, which must still be approved by the county council. The bill would not affect the overall funding for the program, but would provide the explicit authority to spend the funds.

**Small Business Effect:** Potential meaningful impact in Prince George's County.

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## Analysis

**Bill Summary:** The bill outlines the purposes of the fund, which generally relate to preserving and protecting agricultural land. The board will administer the fund and has to deposit into it revenues from Prince George's County Metropolitan District taxes or Prince George's County Regional District taxes authorized in M-NCPPC's annual budget to preserve, protect, and enhance agricultural properties and to implement the program's purposes.

The bill authorizes the county council to enact ordinances to provide for agricultural preservation, outreach and marketing; maintenance of activities on M-NCPPC's agricultural properties; and the preservation of the agricultural industry. The bill also authorizes the county council to create a program for the purchase of development rights by ordinance.

The board and SCD must adopt specified regulations to carry out the bill.

**Current Law/Background:** Prince George's County has adopted the charter form of government. Charter counties have the authority to enact local laws relating to zoning and planning. Among their planning and zoning authority is the express power to establish a program for the transfer of development rights.

SCD administers the county's agricultural preservation programs. The county's purchase of development rights program, which was created by ordinance in 2006, is a voluntary program that purchases development rights from agricultural landowners that meet specified criteria. Two employees currently support the program. According to SCD, as of July 1, 2007, 34 applications covering approximately 3,000 acres have been submitted to SCD, and three parcels, covering approximately 600 acres, have been approved for funding. SCD advises that the county council budgeted \$5 million in fiscal 2007 and \$7 million in fiscal 2008 for this program; however, none of the budgeted money has been spent because the county does not have the explicit authority to spend M-NCPPC funding on agricultural preservation easements or to spend money outside the metropolitan district.

M-NCPPC is a bicounty agency serving Montgomery and Prince George's counties that was empowered by the State in 1927 to acquire and administer a regional system of parks within the Maryland-Washington Regional District and administer a general plan for the physical development of the area.

**Small Business Effect:** Most farms are small businesses. According to the *2002 Census of Agriculture*, there were 452 farms in Prince George's County covering 45,462 acres.

According to the Maryland Department of Agriculture, this bill would enable the county to purchase easements on farms that would likely not qualify for participation in the State's agricultural land preservation program. According to SCD, the program currently anticipates paying \$9,000 per acre with a 10% bonus for the first three years of sign-up. The program's goal is to purchase easements on 500 acres per year for the first five years.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 95 (Senator Miller, *et al.*) – Education, Health, and Environmental Affairs.

**Information Source(s):** Prince George's County, Prince George's County Soil Conservation District, Maryland Department of Agriculture, Maryland-National Capital Park and Planning Commission, U.S. Department of Agriculture (National Agricultural Statistics Service), Department of Legislative Services

**Fiscal Note History:** First Reader - February 11, 2008  
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Analysis by: Lesley G. Cook

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510