

SENATE BILL 1068

M4, M1

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By: **Senators Middleton and Rosapepe**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 24, 2009

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Workgroup to Study the Future Conservation of the State's Open Space and**
3 **Farmland**

4 FOR the purpose of establishing a workgroup to study the future conservation of the
5 State's open space and farmland; providing for the membership of the
6 workgroup; requiring the workgroup to make certain evaluations and
7 determinations; requiring the workgroup to report its findings and
8 recommendations to the Governor and General Assembly on or before a certain
9 date; providing for the termination of this Act; and generally relating to
10 conserving open space and farmland in the State.

11 Preamble

12 WHEREAS, Maryland is a national pioneer and leader in land preservation,
13 preserving more productive farmland than any other state in the country, approaching
14 500,000 acres, or 8% of Maryland's total land area; and

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

21 WHEREAS, The per-acre cost of easement acquisition has tripled in 5 years
22 from approximately \$2,000 per acre to \$6,000 per acre due to the increase in Maryland
23 real estate values. In 2002, \$30 million would purchase 15,000 acres of preserved land,
24 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 462 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) The Secretary of Agriculture shall convene a workgroup to study the
27 future of conservation of the State's open space and farmland.

28 (b) The workgroup shall include the following members:

29 (1) a representative of the Department of Agriculture, appointed by
30 the Secretary of Agriculture;

31 (2) a representative of the Department of Natural Resources,
32 appointed by the Secretary of Natural Resources;

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

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

1 (5) a representative of the University of Maryland College of
2 Agriculture and Natural Resources.

3 (c) The workgroup shall consult with the following stakeholders:

4 (1) the Maryland Agricultural Land Preservation Foundation;

5 (2) the Maryland Agricultural and Resource-Based Industry
6 Development Corporation;

7 (3) the Rural Maryland Council;

8 (4) the Maryland Association of Counties;

9 (5) the Maryland Municipal League;

10 (6) the Maryland Parks and Recreation Association;

11 (7) the Maryland Farm Bureau;

12 (8) a representative of a local land trust organization;

13 (9) a representative of a national land trust organization;

14 (10) the Rural Legacy Board;

15 (11) Partners for Open Space; and

16 (12) a representative of a the Maryland forestry community.

17 (d) The workgroup shall:

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

20 (2) evaluate whether the State has adequate human resource funding
21 capacity within its land preservation programs to accommodate potentially extensive
22 land ownership transfers and land conversions;

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

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

1 (e) On or before October 1, 2010, the workgroup 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, 2009. It shall remain effective for a period of 1 year and, at the end of
6 September 30, 2010, with no further action required by the General Assembly, this Act
7 shall be abrogated and of no further force and effect.