

Department of Legislative Services
 Maryland General Assembly
 2019 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 935 (Delegate Stein)
 Environment and Transportation

Agricultural Land Preservation Easements - Use of Land - Signs Forbidding Trespassing, Hunting, or the Destruction of Property

This bill requires a landowner who erects and displays, on land subject to a Maryland Agricultural Land Preservation Foundation (MALPF) easement, more than one sign forbidding trespassing, hunting, or the destruction of property, to locate the signs at least 500 feet apart. The bill applies retroactively, affecting easements acquired by MALPF before the effective date of the bill. **The bill takes effect June 1, 2019.**

Fiscal Summary

State Effect: Special fund expenditures increase by \$168,900 in FY 2020. Future year expenditures reflect ongoing costs. Revenues are not affected. It is assumed that there is no effect in FY 2019.

(in dollars)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	168,900	159,000	164,300	170,000	175,800
Net Effect	(\$168,900)	(\$159,000)	(\$164,300)	(\$170,000)	(\$175,800)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: Potential meaningful.

Analysis

Current Law: Chapters 66 and 644 of 2018 authorize a landowner to – without the approval of MALPF – erect and display on land subject to a MALPF easement a sign or

any other outdoor advertising display measuring not more than four feet by four feet for the purpose of (1) stating the name or address of the property or its occupant; (2) advertising any farm- or forest-related uses of the property or any home occupations that occur on the property with the approval of MALPF; (3) advertising the sale of agricultural products, consistent with MALPF policies; (4) advertising that the property is available for sale or rent; (5) forbidding trespassing, hunting, or the destruction of property; (6) marking the boundaries of the property; (7) identifying the protected status of the property; or (8) supporting a political candidate.

Background: MALPF indicates, in its fiscal 2018 annual report, that since the program’s inception, the terms of MALPF’s deeds of easement have always limited the size and purpose of signs. Over time, however, the deed of easement sign provisions have changed, providing more latitude to landowners, and Chapters 66 and 644 provide a retroactive, affirmative right for all owners of land subject to a MALPF easement to display signs in the same manner.

At the end of fiscal 2018, MALPF had 2,302 easements covering approximately 312,800 acres of land.

State Expenditures: Special fund expenditures increase by \$168,876 in fiscal 2020, which accounts for a 30-day start-up delay. This estimate reflects the cost of hiring one monitoring and enforcement staff person and one part-time assistant Attorney General to assist with enforcing the bill’s requirement. The bill is expected to add time to inspections to inspect the perimeter of properties, including in wooded areas, where signs forbidding trespassing, hunting, or destruction of property are likely to be. The additional monitoring and enforcement staff person will help with the inspection workload currently handled largely by county staff, to mitigate the effect of the additional time added to inspections. The part-time assistant Attorney General will assist with enforcement actions and any legal disputes with landowners regarding inconsistency between the law and the terms of their deeds of easement. The estimate includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	1.5
Salaries and Fringe Benefits	\$158,158
Operating Expenses	<u>10,718</u>
Total FY 2020 State Expenditures	\$168,876

Future year expenditures reflect salaries with annual increases and employee turnover and ongoing operating expenses.

MALPF's operations and easement purchases are funded with special funds from the Maryland Agricultural Land Preservation Fund, which is supported by revenues from the State transfer tax.

Small Business Effect: The bill may have a meaningful impact on small business landowners subject to a MALPF easement if, given the circumstances of a specific property, the bill substantively limits a landowner's ability to control the use of their property.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Agriculture; Department of Legislative Services

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