

## Legislation – 2005 Legislative Session Relating to Agricultural Land Preservation Issues

Task Force recommended legislation is indicated with an asterisk (\*).

Task Force inspired legislation (at least some part of the bill) is indicated with a cross (†).

### House of Delegates legislation only:

#### †**HB 001 – Public School Construction Assistance Act of 2005**

*Sponsors: The Speaker and Delegates Hixson, Conway, Healey, Barkley, Bobo, Bohanan, Bozman, Burns, Cane, G. Clagett, V. Clagett, Conroy, Donoghue, Feldman, Frush, Gutierrez, Haynes, Heller, Howard, Hubbard, Jones, Kaiser, King, Krysiak, Levy, Love, Madaleno, Malone, Mandel, Menes, Montgomery, Niemann, Patterson, Pendergrass, Petzold, Quinter, Rosenberg, Stern, Vallario, Vaughn, Zirkin, Barve, Branch, Bronrott, Cardin, Cryor, C. Davis, Doory, Franchot, Gaines, Goodwin, Gordon, Griffith, James, Lee, Marriott, Moe, Nathan-Pulliam, Paige, Proctor, Ramirez, Ross, and F. Turner.*

*Department position: no position.*

*Legislative result: unsuccessful: the bill was passed by the House of Delegates with amendments, but was not reported out of the Senate Budget and Taxation Committee.*

This bill would impose recordation and transfer taxes on the transfer of real property with a value of \$1 million or more when the transfer is achieved through the sale of a "controlling interest" in a specified corporation, partnership, limited liability company, limited liability partnership, or other form of unincorporated business. A controlling interest is defined as more than 80 percent of the total value of the stock or the interest in capital and profits. This bill would also require specified amounts of local recordation taxes to be dedicated to school construction for fiscal years 2006 through 2009. State transfer taxes collected under the bill would be dedicated to land preservation programs and distributed by the formula as provided under current law.

#### **HB 074 – Maryland Agricultural Land Preservation Easement Termination – County Notification**

*Sponsor: Chairman, Environmental Matters Committee (Departmental bill).*

*Department position: support.*

*Legislative result: successful: passed by the House of Delegates and the Senate; final bill signed by the Governor.*

This legislation increases the time from 30 days to 90 days that a county government has to notify the Foundation of its recommendation when a landowner applies to have a MALPF easement terminated. This change in the timeline is to allow the county sufficient time to consult its county Agricultural Land Preservation Advisory Board, hold public hearings, and have the request considered by the county's governing authority. Easement termination requests are only available to landowners whose easement purchases were approved by the Board of Public Works prior to September 30, 2004, whose easements have been held by MALPF for 25 years, and whose properties can no longer support profitable farming of any kind for any farmer. All easements purchased after that date have no termination possibility.

#### **HB 075 – Maryland Agricultural Land Preservation Foundation – Board of Trustees**

*Sponsor: Chairman, Environmental Matters Committee (Departmental bill).*

*Department position: support.*

*Legislative result: successful: passed by the House of Delegates and the Senate; final bill signed by the Governor.*

This legislation brings the membership of the Maryland Agricultural Land Preservation Foundation's Board of Trustees up-to-date by adding the Secretary of Planning as an *ex officio* member to the MALPF Board of Trustees, allowing the Secretary of Planning to appoint a designee from within the Maryland Department of

Planning (MDP), and repealing the provision that requires a representative of MDP to be an at-large member of the Board. Also, this legislation reduces the number of at-large members from nine to eight. The existing law was written before Planning was a cabinet-level department and required the representative of the Office/Department of Planning to go through the entire appointments process to fill the at-large position.

**HB 078 – Maryland Agricultural Land Preservation Foundation – Local Land Use**

*Sponsor: Chairman, Environmental Matters Committee (Departmental bill).*

*Department position: support.*

*Legislative result: successful: passed by the House of Delegates and Senate with amendments; final bill signed by the Governor.*

This legislation authorizes a county to defer to MALPF land-use restrictions, allowing them to supercede local land-use regulations, on land subject to a MALPF agricultural conservation easement. If the county chooses to do so, the local government can reject approvals for subdivision plats or plans, building permits, conditional use or special exceptions, or any other activity on MALPF easement or district land without the Foundation's approval. The bill is intended to protect MALPF restrictions when county zoning laws have not been updated to reflect those restrictions.

**HB 079 – Maryland Agricultural Land Preservation Foundation – Arbitration of Easement Values**

*Sponsor: Chairman, Environmental Matters Committee (Departmental bill).*

*Department position: support.*

*Legislative result: successful: passed by the House of Delegates and Senate with amendments; final bill signed by the Governor.*

This bill sets a deadline for requesting an appeal of an appraisal of land offered for easement sale to the Foundation. If either the landowner or the Foundation do not agree on the value of the easement as determined by the State, either party must request the appeal by September 30 of the year following the determination of value.

**HB 140 – St. Mary's County – Agricultural Land Preservation Program – General Obligation  
Installment Purchase Agreements**

*Sponsor: St. Mary's County Delegation.*

*Department position: the Department takes no position on bills that are not statewide and do not directly affect MALPF.*

*Legislative result: successful: passed by the House of Delegates and Senate with amendments; final bill signed by Governor.*

This legislation authorizes St. Mary's County to enter into "installment purchase agreements" (IPAs) for an aggregate purchase price of up to \$20 million plus interest to acquire the development rights for agricultural or forestry land. Under such an agreement, St. Mary's County will acquire development rights from landowners of agricultural or forestry land located in St. Mary's County. In doing so, the county will be required to pay the purchase price for that land either in installments or at the maturity of the agreement, and interest on the unpaid balance.

**HB 172 – Program Open Space – Conversion of Land – Easements**

*Sponsors: Delegates Morhaim and Kach.*

*Department position: no position.*

*Legislative result: unsuccessful: the bill was not reported out of the Environmental Matters Committee of the House of Delegates.*

This bill would provide that placing an easement on land acquired or developed under a State grant from Program Open Space (POS) does not constitute a conversion restricted under current law.

### **HB 904 – Land Preservation Protection Act**

*Sponsors: Delegates James, Barkley, Bobo, Bohanan, Branch, Cadden, Cane, Cardin, G. Clagett, V. Clagett, Conroy, Conway, DeBoy, Franchot, Frush, Glassman, Griffith, Haynes, Heller, Hubbard, Jones, Kach, Kaiser, Krysiak, Leopold, Madaleno, Mandel, McIntosh, Menes, Montgomery, Niemann, Paige, Parker, Pendergrass, Proctor, Ramirez, Rosenberg, Sophocleus, Trueschler, F. Turner, and Weir.*

*Department position: no position.*

*Legislative result: unsuccessful: the bill received an unfavorable report from the Environmental Matters Committee of the House of Delegates.*

This bill would require the Administration to repay diverted real estate transfer taxes at a rate of approximately \$20 million per year back into the Program Open Space fund either by general obligation bonds, repayment from the State's General Fund, or a combination of the two. This repayment would be accomplished by a reasonable plan submitted by the Governor or, in the absence of a reasonable plan, by a \$20 million annual transfer from the State's General Fund. In the future, transfers from the Special Fund to the General Fund would (1) be restricted to the fiscal year following a report that shows that expenditures exceed revenues, (2) be limited to no more than 50 percent of special fund revenues that can be transferred to the General Fund, and (3) require that a reasonable repayment plan be submitted by the Governor to the General Assembly.

### **HB 933 – Maryland Agricultural Land Preservation Foundation – Request for Release by Landowner's Estate**

*Sponsors: Delegates Stocksdale and Aumann.*

*Department position: oppose.*

*Legislative result: unsuccessful: the bill received an unfavorable report from the Environmental Matters Committee of the House of Delegates.*

This bill would require MALPF to release a child's lot upon written application submitted by the estate of a deceased landowner whose land is under a permanent agricultural preservation easement within one year after the death of the landowner.

### **HB 934 – Maryland Agricultural Land Preservation Foundation – Child's Lot – Notice**

*Sponsors: Delegates Stocksdale and Aumann.*

*Department position: oppose.*

*Legislative result: unsuccessful: the bill received an unfavorable report from the Environmental Matters Committee of the House of Delegates.*

This bill would require, as a condition of release of a child's lot from easement property by MALPF and at the time of the easement settlement, that the original grantor who sells the easement to the Foundation disclose on a form supplied by the Foundation that the grantor will be seeking the release of a lot for that child.

### **HB 1294 – Resource Conservation Planning Act of 2005**

*Sponsors: Delegates Trueschler, Bobo, Cardin, V. Clagett, Heller, Kach, and Quinter.*

*Department position: oppose.*

*Legislative result: unsuccessful: the bill received an unfavorable report from the Environmental Matters Committee of the House of Delegates.*

This bill would require that local entities develop land and energy conservation plans and adopt particular zoning regulations. A statutory register of easements would be created. The allocation of revenue from the State real estate transfer tax would be modified by tying it to the budget prepared by the Governor and by severing the link to the statutory dedicated allocation of funds (currently 17.05% to MALPF). The Department of Planning is directed to coordinate certain aspects of the resource conservation program.

## †**HB 1530 – Maryland Agricultural Land Preservation Fund – Priority Preservation Areas – New Funding Sources**

*Sponsors: Delegates Stull, Cane, Bartlett, Elliott, Hogan, McKee, Myers, Shank, Sossi, Walkup, and Weldon.*

*Department position: no position.*

*Legislative result: unsuccessful: the bill was not reported out of the Environmental Matters Committee of the House of Delegates.*

This bill would require charter counties that develop a comprehensive land-use plan to include a Priority Preservation Areas Element as part of that comprehensive plan. A designated Priority Preservation Area must meet certain criteria, such as having productive agricultural or forest soils, being capable of supporting profitable agricultural or forestry enterprises, and being large enough to support agricultural activities. The Priority Preservation Area would have to be certified by the Maryland Department of Planning and the Board of Trustees of the Maryland Agricultural Land Preservation Foundation. Further, this bill would create additional funding sources for the Maryland Agricultural Land Preservation Foundation in the State property tax surcharge, by closing the loophole that allows corporate entities to avoid the real estate transfer tax when property is transferred by selling interest in the corporate entity rather than selling the property directly, and by increasing the agricultural transfer tax. Finally, 50% or more of the revenues MALPF receives from the real estate transfer taxes collected from the transfer of property other than agricultural land or property located in a Priority Funding Area, 50% or more of the revenues MALPF receives from the agricultural transfer tax, and all of the revenues it receives from the new property tax surcharge and the closing of the corporate loophole funds available to purchase agricultural conservation easements would be restricted to being spent only in certified Priority Preservation Areas.

### **Senate legislation only:**

**None**

### **House of Delegates and Senate legislation (cross-listed bills):**

#### **HB 148/SB 127 – Budget Reconciliation Act of 2005**

*Sponsors: The Speaker of the House of Delegates (by request of the Administration).  
The President of the Senate (by request of the Administration).*

*Department position: support the Administration's position.*

*Legislative result: unsuccessful: HB 148 was not reported out of the Appropriations Committee of the House of Delegates; agreement was reached in conference committee; SB 127 was not reported out of the Senate Budget and Taxation Committee.*

These cross-listed Administration bills compose one of three omnibus bills required under the Governor's budget plan. The bill supports that plan primarily by providing relief from mandated funding levels for several programs throughout State government. Changes in these provisions of law would effectuate \$73.6 million in contingent general fund reductions in the fiscal 2006 budget bill (HB 150/SB 125). Some of the provisions have a one-time effect and some are ongoing. Additional budget benefits result from deferring or eliminating other funding requirements, expanding the uses of existing special funds, and transferring a portion of transfer tax revenues to the general fund for a multi-year period. The legislation includes a severability clause. This legislation affects MALPF as follows. It would redirect real estate transfer tax revenues to the General Fund for four years, phasing in the amount of the transfer from 75% in FY 2006, to 66.67% in FY 2007, to 50% in FY 2008, and to 25% in FY 2009. Any revenue attained over the amount estimated in the budget would go to the General Fund on a permanent basis. The immediate impact on MALPF is that its allocation from transfer tax revenues would go from \$35,879,015 down to \$8,041,515 in FY 2006. Because this legislation did not pass, MALPF ended up receiving the full amount of its allocated transfer tax revenues for FY 2006.

### **HB 150/SB 125 – Budget Bill (Fiscal Year 2006)**

*Sponsors: The Speaker of the House of Delegates (by request of the Administration).  
The President of the Senate (by request of the Administration).*

*Department position: support the Administration's position.*

*Legislative result: successful: HB 150 was passed with amendments by the House of Delegates and then passed with different amendments by the Senate; the House refuses to concur, and the Senate refuses to recede; agreement was reached in conference committee; HB 150 became law without the Governor's signature. SB 125 was not reported out of the Senate Budget and Taxation Committee.*

This Administration legislation composes one of three omnibus bills required under the Governor's budget plan. The budget bill for FY 2006 is created to make the proposed appropriations contained in the State Budget for the fiscal year ending June 30, 2006, in accordance with Article III, Section 52 of the Maryland Constitution; and generally relating to appropriations and budgetary provisions made related to that section. Because the budget reconciliation legislation (HB 148/SB 127) did not pass, the operational budget legislation, including programs funded under special funds such as MALPF, determined the available funding for FY 2006. Under this legislation, MALPF was appropriated \$64,240,113 from all sources, less \$15,345,000, for a total of \$48,895,113 for both program operation expenses and the purchase of easements.

### **HB 340/SB 274 – Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2005 and the Maryland Consolidated Capital Bond Loans of 1998, 2000, 2002, 2003, and 2004**

*Sponsors: The Speaker of the House of Delegates (by request of the Administration).  
The President of the Senate (by request of the Administration).*

*Department position: support the Administration's position.*

*Legislative result: successful: HB 340 passed with amendments by the House of Delegates and then passed with incompatible amendments by the Senate; agreement was reached in conference committee; HB 340 was signed by the Governor; SB 274 was not reported out by the Senate Budget and Taxation Committee.*

These cross-listed bills would authorize the creation of a State Debt in the amount of \$665,443,000 for the purposes specified in the bill. The legislation alters the provisions of prior capital budgets. Specific to farmland preservation, this legislation no longer authorizes the creation of bond funding for MALPF to make up for the transfer of its dedicated real estate transfer tax revenues to the General Fund. Also, GreenPrint program funding has been ended.

### **HB 517/SB 293 – Income Tax Credit for Preservation and Conservation Easements – County Tax Credit Authorized**

*Sponsor: Delegate James.  
Senators Dyson and Forehand.*

*Department position: no position.*

*Legislative result: unsuccessful: HB 517 received an unfavorable report from the Ways and Means Committee of the House of Delegates; SB 293 passed the Senate, but was not reported out of the Ways and Means Committee of the House of Delegates.*

These cross-listed bills would allow, subject to the approval of a county governing body, an individual to claim a credit against the county income tax for an easement conveyed to MALPF or the Maryland Environmental Trust (MET). This legislation states that the credit allowed could not exceed the lesser of the State income tax for a particular taxable year or \$5,000, though it allows a county governing body to determine the exact amount of a credit and place any additional limitations that it deems appropriate.

### **HB 518/SB 295 – Property Tax – Assessment of Conservation Property**

*Sponsor: Delegate James.*

*Senator Dyson.*

*Legislative result: unsuccessful: HB 518 received an unfavorable report from the Ways and Means Committee of the House of Delegates; SB 295 passed the Senate, but was not reported out of the Ways and Means Committee of the House of Delegates.*

These cross-listed bills would establish conservation property as a separate sub-class of real property and provide that it be valued at a rate equivalent to the lowest rate used for agricultural use land. Conservation property includes land that is subject to a perpetual conservation easement approved by the Board of Public Works before June 30, 1986, and land that currently receives a property tax credit for conservation land. Conservation property would not be required to be actively farmed to be eligible for this assessment. This legislation would apply to a small number of MALPF easement properties.

### ***HB 532/SB 294 – Income Tax – Credit for Preservation and Conservation Easements – Refundability***

*Sponsor: Delegate James.  
Senator Dyson.*

*Department position: no position.*

*Legislative result: unsuccessful: HB 532 received an unfavorable report from the Ways and Means Committee of the House of Delegates; SB 294 was not reported out of the Budget and Taxation Committee of the Senate.*

These cross-listed bills would expand the existing Preservation and Conservation Easement tax credit by making the credit refundable. If the tax credit in any taxable year exceeds the state income tax payable by an owner of property with a MALPF or Maryland Environmental Trust (MET) easement for that taxable year, then the owner would be able to claim a refund in the amount of the excess.

### ***HB 561/SB 325 – Agricultural Land Preservation – Termination of Agricultural Districts***

*Sponsor: Delegate Weir  
Senator Klausmeier.*

*Department position: oppose.*

*Legislative result: unsuccessful: HB 561 received an unfavorable report from the Environmental Matters Committee; SB 325 received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee.*

These cross-listed bills would reduce agricultural district agreements from the current 60-month (five-year) commitment to permit landowners to terminate district agreements after 30 months (two-and-a-half years), reducing the required notification time for such termination by the landowner to MALPF from one year to 30 days. However, this can occur only if certain conditions are met, including (1) the Foundation has not purchased an agricultural preservation easement on the property, (2) the Foundation has made an offer that has been rejected by the landowner, and (3) the landowner reimburses the state for all appraisal and recording costs associated with any easement processed during the time the property was subject to a district agreement.

### ***\*HB 1334/SB 502 – Agriculture – Critical Farms Program***

*Sponsors: Delegates Cane, Stull, Bartlett, Bozman, Conway, Donoghue, Eckardt, Elliott, Elmore, Haddaway, Hogan, McKee, Rudolph, Shank, Sossi, Walkup, Weldon, Bobo, V. Clagett, Glassman, Jennings, Montgomery, Parker, and Weir.  
Senators Dyson, Middleton, Colburn, Harris, and Greenip.*

*Department position: support.*

*Legislative result: successful: HB 1334 was passed by the House of Delegates and the Senate with incompatible amendments worked out in conference committee; HB 1334 was vetoed by the Governor as duplicative; SB 502 was passed by the Senate and the House of Delegates with incompatible amendments; Senate refuses to concur, but the House recedes and adopts the Senate version of SB 502; SB 502 was signed by the Governor.*

These cross-listed bills would require MALPF and the Maryland Department of Planning (MDP) to establish a Critical Farms Program to provide interim or emergency financing for the acquisition of agricultural preservation easements on critical farms that would otherwise be sold for non-agricultural uses. MALPF and MDP must develop criteria to be used by counties to consider when determining whether a property qualifies for the program. This legislation would provide for specified evaluation criteria, such as location, productivity, and the consistency of the proposed acquisition with county goals. MALPF and MDP must examine options for easement acquisition on critical farms and identify those that will enable the critical farms program to succeed. MALPF and MDP are authorized to jointly establish regulations to implement the provisions of the bill. This legislation would also require MALPF and MDP to conduct a thorough study of the options available to fund the Critical Farms Program established under the bill and submit a report to the Governor and the General Assembly by January 1, 2006.

### **HB 1533/SB 738 – Governor's Budget – Land Preservation Programs – Funding**

*Sponsors: Delegates Cane, Bobo, Bozman, Conroy, Glassman, Holmes, Hubbard, Kirk, Marriott, Nathan-Pulliam, Petzold, and Stull.*

*Senators Middleton, DeGrange, Dyson, and Frosh.*

*Department position: no position.*

*Legislative result: unsuccessful: HB 1533 was not reported out of the Environmental Matters or the Appropriations Committee of the House of Delegates; SB 738 was not reported out of the Senate Budget and Taxation or the Education, Health, and Environmental Affairs Committees.*

These cross-listed bills would require, beginning in fiscal year 2007, repayment of recent transfers totaling \$390 million in State real estate transfer tax revenues to the General Fund by including the transfer tax special fund in the provisions relating to the disposition of any unappropriated General Fund surplus. This legislation would also establish provisions regarding the future transfer of State transfer tax revenues to the General Fund and provides for the replacement of any transferred funds. This legislation would specifically repay State land preservation programs, including MALPF, Program Open Space, Rural Legacy, and the Heritage Conservation Fund.

### **HB 1594/SB 1006 – Maryland Agricultural and Resource-Based Industry Development Corporation – Annual State Funding and Duties**

*Sponsors: Delegates Rudolph, Conway, McKee, Bartlett, Boutin, Bozman, Cane, G. Clagett, Donoghue, Eckardt, Edwards, Elliott, Elmore, Glassman, Haddaway, Hogan, Jennings, Kelly, Myers, Shank, Smigiel, Sossi, Stull, Walkup, Weldon, Bohanan, Branch, Franchot, Griffith, James, Jameson, Krebs, Kullen, Leopold, Levy, McComas, O'Donnell, Parrott, Proctor, Stocksdale, Vallario, and Wood.*

*Senators Munson, Middleton, Brinkley, Colburn, Dyson, Hafer, Haines, Hooper, Jacobs, Kittleman, Mooney, Pipkin, and Stoltzfus.*

*Department position: support.*

*Legislative result: successful: HB 1594 was passed by the House of Delegates and the Senate with amendments; HB 1594 was signed by the Governor; SB 1006 received a favorable report with amendments from the Senate Budget and Taxation Committee, but did not go to third reader in the Senate.*

This legislation authorizes the Governor to include each year in the budget bill an appropriation to the Maryland Agricultural and Resource-Based Industry Development Corporation (MARBIDCO) in an amount up to \$5 million in order to capitalize MARBIDCO. If the State provided \$12 million or less from fiscal years 2006 through 2010, the Governor could include an appropriation of up to \$6.5 million annually. MARBIDCO could be very useful to MALPF by providing an institutional structure that could provide installment purchase agreements as a settlement option to landowners selling easements to MALPF (and other State agencies).

### **Land Disposition Legislation (2005):**

In the 2005 Legislative Session, a number of bills were introduced in both chambers of the General Assembly on the issue of the disposition of State-owned land and land in which the State of Maryland had a real interest. The intent of these bills was to require that the disposition of State land would require the review and approval of the General Assembly or a committee of the General Assembly delegated that responsibility. With some exceptions, these bills did not differentiate between State-owned land and land in which Maryland had purchased certain rights, such as agricultural conservation easements of the sort purchased by the Foundation. These bills also did not differentiate between the sale of State-owned parcels as opposed to the normal process of straightening property lines, relocating residences on easement properties, lot releases, or other normal administrative tasks undertaken by a State agency such as MALPF.

The Maryland Department of Agriculture supported the general objective of these bills, but successfully testified orally and in writing at the consolidated hearings on these bills that easement properties should be exempted from the land disposition requirements. A strict interpretation of the language of some of the initial proposed legislation could have resulted in requiring the approval of the General Assembly for private landowners to sell or transfer MALPF district or easement properties, to complete a lot release, to take out a mortgage or lien on the property, etc. Such a requirement would have imposed a significant and unnecessary burden on MALPF program participants and significantly increased the administrative burden on MALPF and its partners at the Department of General Services and in the counties.

Though the following bills are related, none were cross-listed. Those that were successful were amended to remove easement properties from the land disposition requirements. However, because the constitutional amendment that was adopted has broad language, MALPF is still waiting for a final opinion from the Office of the Attorney General on its applicability to easement properties.

#### **HB 004 – Land Preservation and State Asset Protection Act**

*Sponsors: Delegates Busch, James, McIntosh, Griffith, Barve, Barkley, Bobo, Bohanan, Bozman, Burns, Cane, G. Clagett, V. Clagett, Conroy, Conway, Donoghue, Frush, Glassman, Gutierrez, Haynes, Healey, Heller, Holmes, Hubbard, Jones, Kach, Kaiser, King, Krysiak, Levy, Love, Madaleno, Mandel, Menes, Montgomery, Niemann, Patterson, Pendergrass, Petzold, Quinter, Rosenberg, Ross, Stern, Vallario, Vaughn, Zirkin, Arnick, Bronrott, Hogan, McConkey, Parker, Sossi, Weir, Nathan-Pulliam, F. Turner, Branch, Cadden, DeBoy, Franchot, Paige, Proctor, Ramirez, Sophocleus, Trueschler, Cardin, Kullen, Lee, Hixson, Moe, Stocksdale, Aumann, Gaines, Eckardt, Bates, Leopold, and Edwards.*

*Legislative result: unsuccessful: passed with incompatible amendments by both the House of Delegates and the Senate; the Senate refused to recede to the House version of the bill; incompatibilities were resolved in conference committee, but the bill never went forward from the conference committee; the bill signed by the Governor was the related bill, SB 306.*

This bill would establish new requirements for the disposition of State-owned outdoor recreation, open space, conservation, preservation, park, or forest real property. This bill would also establish new requirements relating to the determination of such property as excess, establish provisions governing the declaration of property as surplus, and modify provisions governing disposition approval by the Board of Public Works (BPW). This bill would further provide for the repayment of State transfer tax revenues transferred after fiscal year 2005, expedite the use of transfer tax revenue over-attainment under specified conditions, and provide that a minimum of \$1.5 million of the State's share of funds under Program Open Space (POS) must be used to provide grants to Baltimore City.

#### **HB 067 – Board of Public Works - Disposition of Park Lands - General Assembly Approval Required CONSTITUTIONAL AMENDMENT**

*Sponsor: Delegate Franchot.*

*Legislative result: unsuccessful: passed with amendments by the House of Delegates, but not reported out of the Senate Rules Committee.*

This bill would amend the State Constitution to prohibit the Board of Public Works (BPW) from approving the sale, transfer, exchange, grant, or other disposition of any State-owned outdoor recreation, open space, conservation, preservation, forest, or parkland without the express approval of the General Assembly or of a committee that the General Assembly designates by statute, resolution, or rule. This proposed constitutional amendment would be submitted to the qualified voters of the State of Maryland for their adoption or rejection.

**SB 102 – Board of Public Works – Disposition of Park Lands – General Assembly Approval Required**  
**CONSTITUTIONAL AMENDMENT**

*Sponsors:* Senators Frosh, Dyson, Green, Astle, Britt, Brochin, Conway, Currie, DeGrange, Della, Exum, Forehand, Garagiola, Gladden, Grosfeld, Hogan, Hollinger, Hughes, Jimeno, Jones, Kasemeyer, Kelley, Klausmeier, Lawlah, McFadden, Miller, Pinsky, Ruben, Stone, Teitelbaum, Brinkley, Greenip, Hafer, Haines, Harris, Hooper, Jacobs, Kittleman, Mooney, Munson, Pipkin, Schrader, and Stoltzfus.

*Legislative result:* successful: passed with amendments by the Senate and by the House of Delegates; became law without the Governor's signature per Maryland Constitution.

This legislation amends the State Constitution to prohibit the Board of Public Works (BPW) from approving the sale, transfer, exchange, grant, or other permanent disposition of any State-owned outdoor recreation, open space, conservation, preservation, forest, or parkland without the express approval of the General Assembly or of a committee that the General Assembly designates by statute, resolution, or rule. This proposed constitutional amendment would be submitted to the qualified voters of the State of Maryland for their adoption or rejection.

**SB 103 – Board of Public Works – Disposition of State Lands – Legislative Approval**

*Sponsors:* Senators Dyson and Frosh.

*Legislative result:* unsuccessful: the bill received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee.

This proposed bill would prohibit the Board of Public Works (BPW) from approving the sale, lease, transfer, exchange, grant, or other disposition of any State-designated recreation, open space, conservation, preservation, forest, or parkland without the approval of the General Assembly through legislation.

**SB 104 – Board of Public Works – Disposition of Public Lands – Review by Legislative Policy Committee**

*Sponsor:* Senator Middleton.

*Legislative result:* unsuccessful: the bill received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee.

This proposed bill would establish new requirements for the determination and reporting of excess State-owned real property, including a review of the social, community, and environmental value of the real property. Also, this bill would prohibit the Board of Public Works (BPW) from approving the disposition of property owned by the State or in which the State has an interest unless the BPW determines that the monetary value or other benefit received by the State is the same or greater than the value of the public features on the property. Further, this bill would make the Legislative Policy Committee (LPC) part of the review process for proposals to sell, lease, transfer, exchange, grant, or other disposition of certain state-owned property or property in which the state has an interest.

**SB 306 – Land Preservation and State Asset Protection Act**

*Sponsors:* Senators Dyson, Astle, Britt, Brochin, Conway, Currie, DeGrange, Della, Exum, Forehand, Frosh, Garagiola, Gladden, Green, Grosfeld, Hogan, Hughes, Jimeno, Jones, Kelley, Klausmeier, Lawlah, McFadden, Miller, Pinsky, Ruben, Stone, Teitelbaum, and Middleton.

*Legislative result: successful: passed with different amendments by the Senate and by the House of Delegates; Senate concurred by the House-originated amendments; final bill signed by the Governor.*

This legislation establishes new requirements for the Board of Public Works to fulfill before State-owned or State-designated outdoor recreation, open space, conservation, preservation, forest, or other parkland can be sold, leased, transferred, exchanged, granted, or otherwise disposed. New requirements include a public hearing with two weeks notice, determination that the property is not wanted by another State or local government entity, two independent appraisals, and several others.