



MARYLAND DEPARTMENT OF AGRICULTURE

LEGISLATIVE COMMENT

DATE: February 8, 2017 BILL NO.: HB 155

**SUBJECT: MARYLAND AGRICULTURAL LAND PRESERVATION
FOUNDATION – EASEMENT TERMINATION**

COMITTEE: ENVIRONMENT AND TRANSPORTATION

MDA POSITION: SUPPORT

**EXPLANATION: This bill was submitted by the chair of the Environment and
Transportation Committee at the request of the Department of Agriculture.**

Currently, if a landowner submits a request to terminate the Maryland Agricultural Land Preservation Foundation's (Foundation) easement, the statutory process requires separate, simultaneous review processes by the county receiving the request and the Foundation. If the county denies the termination request, the Foundation cannot approve it, however, the Foundation is statutorily compelled to complete its review and conduct its own hearing. This requires expenditure/s up to or in excess of \$10,000 in expert fees, and a substantial amount of personnel time and resources, all of which may be unnecessary should the county find through its own process that the easement termination cannot be approved.

The proposed legislation segments the termination process by having the county conduct its review and hearing and deciding whether the request should be approved or denied. If the county denies the request, the request fails and does not move forward to the Foundation, resulting in the Foundation not expending time and effort on termination applications that it cannot approve. If the request is approved, it moves forward to the Foundation to determine whether the land may be farmed profitably.

COMMENT:

The statutory process was written in a vacuum. Since the law was written, one termination request has been received by the Foundation and administrated by the county and the Foundation. In that case, the county denied the landowner's request to terminate the easement. By statute, The Foundation cannot approve a landowner's termination request if the county denies the request. However, the same statute binds the Foundation to conduct a hearing whether the county approves or denies the landowner's termination request.

Having now gone through the termination process the Foundation has identified and seeks to correct an inefficient and costly flaw in the statute. Based on actual and estimated costs and fees that occurred or would have occurred as a result of a previous easement termination request, the following costs and fees are reasonably anticipated should another termination request be tendered by a landowner, and this legislation is not passed.

\$40,000	Staff time and misc. operating expenses
\$12,000	Expert fees
\$ 1,400	Board expenses
\$53,400	Total actual and estimated cost and fees