

SENATE BILL 29

M4
SB 601/22 – EHE

(PRE-FILED)

3lr0937

By: **Senator McCray**

Requested: November 18, 2022

Introduced and read first time: January 11, 2023

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City Soil Conservation District – Establishment – Requirements**

3 FOR the purpose of providing for the establishment of a Baltimore City Soil Conservation
4 District; adding Baltimore City to a geographic area from which the Secretary of
5 Agriculture appoints the soil conservation district supervisors; requiring the Mayor
6 of Baltimore City to take certain actions to form the District; requiring the Secretary
7 of State to take certain actions to record the organization of the District; providing
8 for the appointment of the supervisors for the District; and generally relating to the
9 establishment of a Baltimore City Soil Conservation District.

10 BY repealing and reenacting, with amendments,
11 Article – Agriculture
12 Section 8–101, 8–201(b), 8–301, 8–302, and 8–405
13 Annotated Code of Maryland
14 (2016 Replacement Volume and 2022 Supplement)

15 BY adding to
16 Article – Agriculture
17 Section 8–301.1
18 Annotated Code of Maryland
19 (2016 Replacement Volume and 2022 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

Article – Agriculture

22
23 8–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In [this subtitle] **SUBTITLES 1 THROUGH 4 OF THIS TITLE** the following
2 words have the meanings indicated.

3 (b) “Committee” means the State Soil Conservation Committee.

4 (c) “Conservation” means the wise utilization of natural resources and includes
5 any one or more of the following: [the]

6 (1) **THE** development, improvement, maintenance, protection or
7 preservation of these resources; [the]

8 (2) **THE** control and prevention of flood water and sediment damage; and
9 [the]

10 (3) **THE** controlled disposal of water.

11 (d) [“County” means every county of the State, excluding Baltimore City unless
12 expressly designated.

13 (e) [“District” means a soil conservation district, a political subdivision of the State
14 continued in accordance with the provisions of this subtitle.

15 [(f)] **(E)** (1) “Due notice” means notice published at least twice, with an
16 interval of at least seven days between the two publication dates, in a newspaper or other
17 publication of general circulation within the appropriate area.

18 (2) If no publication of general circulation is available, the notice may be
19 posted at a reasonable number of conspicuous places within the appropriate area, including
20 if possible, public places where it is customary to post notices concerning county or
21 municipal affairs generally.

22 (3) At any hearing held pursuant to the notice, at the time and place
23 designated in the notice, adjournment may be made without renewing notice for the
24 adjourned dates.

25 [(g)] **(F)** “Land occupier” means any person holding title to or possessing any
26 lands lying within a district, whether as owner, lessee, tenant, or otherwise.

27 [(h)] **(G)** “Supervisor” means a member of the governing body of a district.

28 8–201.

29 (b) (1) The Secretary shall appoint the soil conservation district supervisors
30 from recommendations submitted by the district supervisors of each area represented.

31 (2) Each supervisor shall be from one of the following five geographic areas:

1 [(1)] (I) Area No. 1: Garrett, Allegany, Washington County, Catoclin,
2 Frederick, and Carroll Soil Conservation Districts;

3 [(2)] (II) Area No. 2: Anne Arundel, Prince George's, Charles, St. Mary's,
4 and Calvert Soil Conservation Districts;

5 [(3)] (III) Area No. 3: Kent, Queen Anne's, Caroline, and Talbot Soil
6 Conservation Districts;

7 [(4)] (IV) Area No. 4: **BALTIMORE CITY**, Baltimore County, Harford,
8 Montgomery, Howard and Cecil Soil Conservation Districts; and

9 [(5)] (V) Area No. 5: Dorchester, Wicomico, Worcester, and Somerset Soil
10 Conservation Districts.

11 8–301.

12 [(a)] The [24] **FOLLOWING** soil conservation districts are established and
13 continued with boundaries corresponding to county boundaries, except for Frederick
14 County, and include all land and water and incorporated areas[, as follows]:

- 15 (1) Allegany Soil Conservation District;
- 16 (2) Anne Arundel Soil Conservation District;
- 17 (3) Baltimore County Soil Conservation District;
- 18 (4) Calvert Soil Conservation District;
- 19 (5) Caroline Soil Conservation District;
- 20 (6) Carroll Soil Conservation District;
- 21 (7) Cecil Soil Conservation District;
- 22 (8) Charles Soil Conservation District;
- 23 (9) Dorchester Soil Conservation District;
- 24 (10) Garrett Soil Conservation District;
- 25 (11) Harford Soil Conservation District;
- 26 (12) Howard Soil Conservation District;

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- 1 (13) Kent Soil Conservation District;
- 2 (14) Montgomery Soil Conservation District;
- 3 (15) Prince George's Soil Conservation District;
- 4 (16) Queen Anne's Soil Conservation District;
- 5 (17) St. Mary's Soil Conservation District;
- 6 (18) Somerset Soil Conservation District;
- 7 (19) Talbot Soil Conservation District;
- 8 (20) Washington County Soil Conservation District;
- 9 (21) Wicomico Soil Conservation District;
- 10 (22) Worcester Soil Conservation District;
- 11 (23) Catoctin Soil Conservation District within the area of Frederick County
12 bounded by the Washington–Frederick County line, the Potomac River, and the eastern
13 and northern boundaries of the Catoctin Creek watershed; and
- 14 (24) The Frederick Soil Conservation District comprising the balance of
15 Frederick County land and water area.

16 [(b) A Baltimore City Soil Conservation District may be established and continued
17 with boundaries corresponding to the boundaries of Baltimore City.]

18 **8–301.1.**

19 (A) **SUBJECT TO THE REQUIREMENTS OF THIS SECTION, A BALTIMORE CITY**
20 **SOIL CONSERVATION DISTRICT MAY BE ESTABLISHED AND CONTINUED WITH**
21 **BOUNDARIES CORRESPONDING TO THE BOUNDARIES OF BALTIMORE CITY.**

22 (B) **THE MAYOR OF BALTIMORE CITY SHALL:**

23 (1) **NOTIFY THE COMMITTEE OF THE INTENT TO ESTABLISH A SOIL**
24 **CONSERVATION DISTRICT;**

25 (2) **APPOINT THREE SUPERVISORS TO THE GOVERNING BODY OF THE**
26 **DISTRICT IN ACCORDANCE WITH § 8–302 OF THIS SUBTITLE; AND**

1 **(3) SUBMIT TO THE SECRETARY OF STATE A SIGNED APPLICATION TO**
2 **ORGANIZE THE DISTRICT AS:**

3 **(I) A POLITICAL SUBDIVISION OF THE STATE; AND**

4 **(II) A PUBLIC BODY CORPORATE.**

5 **(C) THE SECRETARY OF STATE SHALL:**

6 **(1) EXAMINE, FILE, AND RECORD THE APPLICATION IN THE BOOK**
7 **FOR THE RECORDING OF APPLICATIONS FOR THE ORGANIZATION OF DISTRICTS;**

8 **(2) ISSUE TO THE SUPERVISORS OF THE DISTRICT, UNDER SEAL OF**
9 **THE STATE, A CERTIFICATE OF CONSTITUTION OF THE DISTRICT; AND**

10 **(3) RECORD THE CERTIFICATE WITH THE APPLICATION.**

11 8-302.

12 (a) The governing body of each district consists of five supervisors.

13 (b) **(1)** Each supervisor shall be interested and knowledgeable in conservation
14 of soil, water, and related natural resources.

15 **(2)** By training and experience, each supervisor shall be qualified to
16 perform the specialized skilled services which are required in performing the duties under
17 this subtitle.

18 (c) **(1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
19 **SUBSECTION, THE** supervisors shall be appointed in the following manner, and
20 consideration shall be given to representation from farming, forestry, wildlife, and urban
21 interests where appropriate:

22 **[(1)] (I)** One district resident by the county governing body and serving
23 at the pleasure of the county governing body[. In], **PROVIDED THAT IN** those counties with
24 both an executive and a legislative branch of government, the appointment shall be made
25 by the executive and approved by the legislative branch;

26 **[(2)] (II)** One by the Committee from a list of three district residents
27 submitted by the county farm bureau;

28 **[(3)] (III)** One by the Committee from a list of three district residents
29 submitted by the county extension service; and

30 **[(4)] (IV)** Two by the Committee from among residents of the district.

1 **(2) THE SUPERVISORS FOR THE BALTIMORE CITY SOIL**
2 **CONSERVATION DISTRICT SHALL BE APPOINTED IN THE FOLLOWING MANNER, AND**
3 **CONSIDERATION SHALL BE GIVEN TO REPRESENTATION FROM FARMING,**
4 **FORESTRY, WILDLIFE, AND URBAN INTERESTS WHERE APPROPRIATE:**

5 **(I) THREE DISTRICT RESIDENTS BY THE MAYOR, SUBJECT TO**
6 **THE APPROVAL OF THE CITY COUNCIL;**

7 **(II) ONE BY THE BALTIMORE CITY SENATE DELEGATION TO**
8 **THE MARYLAND GENERAL ASSEMBLY; AND**

9 **(III) ONE BY THE BALTIMORE CITY HOUSE DELEGATION TO THE**
10 **MARYLAND GENERAL ASSEMBLY.**

11 (d) **(1)** The term of office of each Committee appointed member is 5 years.

12 **(2)** Each supervisor shall hold office until [his] A successor is appointed
13 and qualifies.

14 **(3)** Vacancies shall be filled for any unexpired term by appointments made
15 in the same manner as for the full term.

16 (e) **(1)** The Committee, upon notice and hearing, may remove any supervisor
17 from office for neglect of duty or malfeasance in office. [In addition]

18 **(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,** any supervisor
19 who, during any period of 12 consecutive months, shall fail to attend at least [50 percent]
20 **50%** of all regular meetings of the board of supervisors of the district of which [he] **THE**
21 **SUPERVISOR** is an appointed member, shall be considered to have resigned and the
22 chairman of the board of supervisors shall notify the appropriate appointing body of the
23 resultant vacancy. [However, if]

24 **(3) IF** the reasons for the supervisor's inability to attend meetings as
25 required in this subtitle are found by the appointing body to be satisfactory, the appointing
26 body may reinstate the supervisor to office.

27 8-405.

28 (a) The General Assembly finds that, from fiscal year 1991 through fiscal year
29 1998, inadequate resources have been provided for the soil conservation districts to employ
30 adequate field personnel to assist farmers in the preparation of soil conservation and water
31 quality plans.

1 (b) It is the intent of the General Assembly to provide sufficient technical
2 assistance and resources through the soil conservation districts to assist farmers in pursuit
3 of soil conservation and water quality plans and other activities authorized under this title.

4 (c) (1) The Governor shall include in the annual budget bill an amount
5 sufficient to employ not less than 110 field personnel in the soil conservation districts under
6 this title.

7 (2) The appropriation for the [24] soil conservation districts shall be as
8 follows:

9 (i) For fiscal year 2008, \$8,800,000;

10 (ii) For fiscal year 2009, \$9,200,000;

11 (iii) For fiscal year 2010, \$9,600,000; and

12 (iv) For fiscal year 2011 and each fiscal year thereafter, \$10,000,000.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2023.