

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL NO. 1334  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 3 through 15, inclusive, and substitute:

“FOR the purpose of requiring the Maryland Agricultural Land Preservation Foundation and the Department of Planning to establish a Critical Farms Program to provide certain financing for the acquisition of certain agricultural preservation easements on certain farms; requiring a county to determine if a property qualifies for the Program in accordance with certain criteria developed by the Foundation and the Department; requiring the Foundation and the Department to examine options for easement acquisition and identify options that will enable the Program to succeed; authorizing the Foundation and the Department to adopt certain regulations; requiring the Foundation and the Department to conduct a certain study and submit a certain report, including a certain proposed legislation on or before a certain date; providing for a delayed effective date for certain provisions of this Act; and generally relating to a Critical Farms Program.

BY adding to

Article - Agriculture

Section 2-517

Annotated Code of Maryland

(1999 Replacement Volume and 2004 Supplement)”.

AMENDMENT NO. 2

On page 1, in line 22, after “That” insert “the Laws of Maryland read as follows:

Article - Agriculture

2-517.

(Over)

(A) (1) THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION AND THE DEPARTMENT OF PLANNING SHALL ESTABLISH A CRITICAL FARMS PROGRAM.

(2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE INTERIM OR EMERGENCY FINANCING FOR THE ACQUISITION OF AGRICULTURAL PRESERVATION EASEMENTS ON CRITICAL FARMS THAT WOULD OTHERWISE BE SOLD FOR NONAGRICULTURAL USES.

(B) (1) A COUNTY SHALL DETERMINE IF A PROPERTY QUALIFIES FOR THE CRITICAL FARMS PROGRAM IN ACCORDANCE WITH THE CRITERIA DEVELOPED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(2) (I) THE FOUNDATION AND THE DEPARTMENT SHALL DEVELOP CRITERIA FOR COUNTIES TO CONSIDER WHEN DETERMINING WHETHER A PROPERTY QUALIFIES FOR THE PROGRAM.

(II) THE CRITERIA SHALL INCLUDE:

1. THE QUALIFYING STRATEGIC CHARACTERISTICS OF THE PROPERTY, INCLUDING LOCATION AND PRODUCTIVITY;

2. THE CIRCUMSTANCES CREATING THE RISK OF THE PROPERTY BEING SOLD FOR NONAGRICULTURAL PURPOSES;

3. WHEN APPLICABLE, THE CHARACTERISTICS OF THE PURCHASER OF STRATEGIC FARMLAND SEEKING ASSISTANCE FROM THE PROGRAM;

4. THE CONSISTENCY OF THE PROPOSED ACQUISITION WITH COUNTY GOALS AND PRIORITIES AND THE COUNTY'S PRIORITY PRESERVATION AREA; AND

5. EVALUATION OF THE PROPERTY AS A PRIORITY EASEMENT ACQUISITION.

(C) THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION

AND THE DEPARTMENT OF PLANNING SHALL EXAMINE OPTIONS FOR EASEMENT ACQUISITION ON CRITICAL FARMS AND IDENTIFY THOSE THAT WILL ENABLE THE CRITICAL FARMS PROGRAM TO SUCCEED.

(D) THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION AND THE DEPARTMENT OF PLANNING MAY JOINTLY ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Agricultural Land Preservation Foundation and the Department of Planning shall conduct a thorough study of the options available for funding the Critical Farms Program established in accordance with § 2-517 of the Agriculture Article, as enacted by Section 1 of this Act, and submit a report, including proposed legislation concerning the funding for the Critical Farms Program, to the Governor and General Assembly, in accordance with § 2-1246 of the State Government Article, on or before January 1, 2006.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2006.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2005.”.

On pages 2 and 3, strike beginning with “, on” in line 36 on page 2 down through “2005.” in line 24 on page 3.