

**ENROLLED BILL**

-- *Environmental Matters/Education, Health, and Environmental Affairs* --

Introduced by **Delegates Cane, Stull, Bartlett, Bozman, Conway, Donoghue, Eckardt, Elliott, Elmore, Haddaway, Hogan, McKee, Rudolph, Shank, Sossi, Walkup, and ~~Weldon~~ Weldon, Bobo, V. Clagett, Glassman, Jennings, Montgomery, Parker, and Weir**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Agriculture - Critical Farms Program**

3 ~~FOR the purpose of requiring the Maryland Agricultural Land Preservation~~  
4 ~~Foundation and the Department of Planning to establish jointly examine~~  
5 ~~options for the establishment of a Critical Farms Program to provide certain~~  
6 ~~financing for the acquisition of certain agricultural preservation easements on~~  
7 ~~certain farms; requiring a county to determine if a property qualifies for the~~  
8 ~~Program in accordance with certain criteria developed by the Foundation and~~  
9 ~~the Department; authorizing the Foundation and the Department to adopt~~  
10 ~~certain regulations; requiring the Foundation to conduct a certain study and~~  
11 ~~develop certain criteria for county governments to use to qualify certain~~  
12 ~~property for the Program, and examine financing options for easement~~  
13 ~~acquisition under the Program, and to submit a certain report and legislative~~  
14 ~~proposal on or before a certain date; and generally relating to a Critical Farms~~

1 ~~Program.~~

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

15 BY adding to  
 16 Article - Agriculture  
 17 Section 2-517  
 18 Annotated Code of Maryland  
 19 (1999 Replacement Volume and 2004 Supplement)

20 ~~BY adding to~~  
 21 ~~Article - Agriculture~~  
 22 ~~Section 2-517~~  
 23 ~~Annotated Code of Maryland~~  
 24 ~~(1999 Replacement Volume and 2004 Supplement)~~

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 26 MARYLAND, That ~~the Laws of Maryland read as follows:~~ the Laws of Maryland read  
 27 as follows:

28 Article - Agriculture

29 2-517.

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

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

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

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

4                   (II)   THE CRITERIA SHALL INCLUDE:

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

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

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

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

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

16   (C)   THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION AND  
17 THE DEPARTMENT OF PLANNING SHALL EXAMINE OPTIONS FOR EASEMENT  
18 ACQUISITION ON CRITICAL FARMS AND IDENTIFY THOSE THAT WILL ENABLE THE  
19 CRITICAL FARMS PROGRAM TO SUCCEED.

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

23   SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland  
24 Agricultural Land Preservation Foundation and the Department of Planning shall  
25 conduct a thorough study of the options available for funding the Critical Farms  
26 Program established in accordance with § 2-517 of the Agriculture Article, as enacted  
27 by Section 1 of this Act, and submit a report, including proposed legislation concerning  
28 the funding for the Critical Farms Program, to the Governor and General Assembly, in  
29 accordance with § 2-1246 of the State Government Article, on or before January 1,  
30 2006.

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

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

**Article—Agriculture**

1  
2 ~~2-517.~~

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

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

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

13 (2) (1) ~~THE FOUNDATION AND THE DEPARTMENT SHALL DEVELOP~~  
14 ~~CRITERIA FOR COUNTIES TO CONSIDER WHEN DETERMINING WHETHER A PROPERTY~~  
15 ~~QUALIFIES FOR THE PROGRAM.~~

16 (H) ~~THE CRITERIA SHALL INCLUDE:~~

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

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

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

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

26 5. ~~EVALUATION OF THE PROPERTY AS A PRIORITY~~  
27 ~~EASEMENT ACQUISITION.~~

28 (C) ~~THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION AND~~  
29 ~~THE DEPARTMENT OF PLANNING MAY JOINTLY ADOPT REGULATIONS TO~~  
30 ~~IMPLEMENT THE PROVISIONS OF THIS SECTION.~~

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

1 ~~the Maryland Agricultural Land Preservation Foundation and the Department of~~  
2 ~~Planning shall jointly:~~

3           ~~(1)     Examine options for the establishment of a Critical Farms Program~~  
4 ~~to provide interim or emergency financing for the acquisition of agricultural~~  
5 ~~preservation easements on critical farms that would otherwise be sold for~~  
6 ~~nonagricultural uses;~~

7           ~~(2)     Develop criteria for counties to consider when determining whether a~~  
8 ~~property qualifies for the Program, including:~~

9                   ~~(i)     The qualifying strategic characteristics of the property,~~  
10 ~~including location and productivity;~~

11                   ~~(ii)    The circumstances creating the risk of the property being sold~~  
12 ~~for nonagricultural purposes;~~

13                   ~~(iii)   When applicable, the characteristics of the purchaser of~~  
14 ~~strategic farmland seeking assistance from the Program;~~

15                   ~~(iv)    The consistency of the proposed acquisition with county goals~~  
16 ~~and priorities and the county's priority preservation area; and~~

17                   ~~(v)     Evaluation of the property as a priority easement acquisition;~~

18           ~~(3)     Examine financing options for easement acquisition on critical farms;~~  
19 ~~and~~

20           ~~(4)     Submit a report on and legislative proposal for the establishment of a~~  
21 ~~Critical Farms Program to the Governor and General Assembly, in accordance with §~~  
22 ~~2-1246 of the State Government Article.~~

23     SECTION 3. ~~2.~~ AND BE IT FURTHER ENACTED, That this Act shall take  
24 effect October 1, 2005.