
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**

Introduced and read first time: February 11, 2005

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2005

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
 15 Program.

16 ~~BY adding to~~
 17 ~~Article — Agriculture~~
 18 ~~Section 2-517~~
 19 ~~Annotated Code of Maryland~~
 20 ~~(1999 Replacement Volume and 2004 Supplement)~~

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

1

Article—Agriculture2 ~~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.