
By: **Senators Dyson and Middleton**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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 a Critical Farms
5 Program to provide certain financing for the acquisition of certain agricultural
6 preservation easements on certain farms; requiring a county to determine if a
7 property qualifies for the Program in accordance with certain criteria developed
8 by the Foundation and the Department; authorizing the Foundation and the
9 Department to adopt certain regulations; requiring the Foundation to conduct a
10 certain study and submit a certain report on or before a certain date; and
11 generally relating to a Critical Farms Program.

12 BY adding to
13 Article - Agriculture
14 Section 2-517
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2004 Supplement)

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

19 **Article - Agriculture**

20 2-517.

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

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

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

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

7 (II) THE CRITERIA SHALL INCLUDE:

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

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

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

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

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

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

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

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2005.