
By: **Senators Dyson and Middleton, Middleton, Colburn, Harris, and Greenip**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 10, 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 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; requiring the Foundation and the
 9 Department to examine options for easement acquisition and identify options
 10 that will enable the Program to succeed; authorizing the Foundation and the
 11 Department to adopt certain regulations; requiring the Foundation and the
 12 Department to conduct a certain study and submit a certain report, including a
 13 certain proposed legislation on or before a certain date; providing for a delayed
 14 effective date for certain provisions of this Act; and generally relating to a
 15 Critical Farms 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 - Agriculture

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

16 (II) 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 SHALL EXAMINE OPTIONS FOR EASEMENT
30 ACQUISITION ON CRITICAL FARMS AND IDENTIFY THOSE THAT WILL ENABLE THE
31 CRITICAL FARMS PROGRAM TO SUCCEED.

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

35 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland
36 Agricultural Land Preservation Foundation and the Department of Planning shall

1 conduct a thorough study of the options available for funding the Critical Farms
2 Program established in accordance with § 2-517 of the Agriculture Article, as enacted
3 by Section 1 of this Act, and submit a report, including proposed legislation
4 concerning the funding for the Critical Farms Program, to the Governor and General
5 Assembly, in accordance with § 2-1246 of the State Government Article, on or before
6 January 1, 2006.

7 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
8 take effect October 1, ~~2005~~ 2006.

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