

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1132*
Second Edition Engrossed 4/28/99
Committee Substitute Favorable 7/8/99
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Short Title: Preserve Farmlands/Promote Small Farms.

(Public)

Sponsors:

Referred to:

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROMOTE THE PRESERVATION OF FARMLAND AND TO
3 PROMOTE SMALL, FAMILY-OWNED FARMS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 106-744(c) reads as rewritten:

6 "(c) There is established a 'North Carolina Farmland Preservation Trust Fund' to be
7 administered by the Commissioner of Agriculture. The Trust Fund shall consist of all
8 monies received for the purpose of purchasing agricultural conservation easements or
9 transferred from counties or private sources. The Trust Fund shall be invested as
10 provided in G.S. 147-69.2 and G.S. 147-69.3. The Commissioner shall use Trust Fund
11 monies for the purchase of agricultural conservation easements, including transaction
12 costs, and shall distribute Trust Fund monies ~~to counties and private nonprofit conservation~~
13 ~~organizations~~ for such purchases, including transaction ~~costs~~ costs, as follows:

14 (1) To a private nonprofit conservation organization that matches thirty
15 percent (30%) of the Trust Fund monies it receives with funds from
16 sources other than the Trust Fund.

1 (2) To counties according to the match requirements under subsection (c1)
2 of this section.

3 (c1) A county that is an enterprise tier four county or an enterprise tier five county,
4 as these tiers are defined in G.S. 105-129.3(a), and that has prepared a countywide
5 farmland protection plan shall match fifteen percent (15%) of the Trust Fund monies it
6 receives with county funds. A county that has not prepared a countywide farmland
7 protection plan shall match thirty percent (30%) of the Trust Fund monies it receives with
8 county funds. A county that is an enterprise tier one county, an enterprise tier two
9 county, or an enterprise tier three county, as these counties are defined in G.S. 105-
10 129.3(a), and that has prepared a countywide farmland protection plan shall not be
11 required to match any of the Trust Fund monies it receives with county funds.

12 (c2) The Commissioner of Agriculture shall adopt rules and regulations governing
13 the use, distribution, investment, and management of Trust Fund monies."

14 Section 2. G.S. 106-744 is amended by adding two new subsections to read:

15 "(e) As used in subsection (c1) of this section, a countywide farmland protection
16 plan means a plan that satisfies all of the following requirements:

17 (1) The countywide farmland protection plan shall contain a list and
18 description of existing agricultural activity in the county.

19 (2) The countywide farmland protection plan shall contain a list of existing
20 challenges to continued family farming in the county.

21 (3) The countywide farmland protection plan shall contain a list of
22 opportunities for maintaining or enhancing small, family-owned farms
23 and the local agricultural economy.

24 (4) The countywide farmland protection plan shall describe how the county
25 plans to maintain a viable agricultural community and shall address
26 farmland preservation tools, such as agricultural economic development,
27 including farm diversification and marketing assistance; other kinds of
28 agricultural technical assistance, such as farm infrastructure financing,
29 farmland purchasing, linking with younger farmers, and estate planning;
30 the desirability and feasibility of donating agricultural conservation
31 easements, and entering into voluntary agricultural districts.

32 (5) The countywide farmland protection plan shall contain a schedule for
33 implementing the plan and an identification of possible funding sources
34 for the long-term support of the plan.

35 (f) A countywide farmland protection plan that meets the requirements of
36 subsection (e) of this section may be formulated with the assistance of an agricultural
37 advisory board designated pursuant to G.S. 106-739."

38 Section 3. Part 2 of Article 18 of Chapter 153A of the General Statutes is
39 amended by adding a new section to read:

40 **"§ 153A-335.1. Fees to support farmland protection.**

41 A county that has prepared and adopted a countywide farmland protection plan
42 containing all the elements set forth in G.S. 106-744(e) may adopt an ordinance imposing
43 a fee of no more than ten dollars (\$10.00) for each subdivision plat required to be filed

1 with the register of deeds for recordation. The monies collected pursuant to this section
2 shall be used to meet the county match requirements for obtaining funding from the
3 North Carolina Farmland Preservation Trust Fund."

4 Section 4. This act becomes effective July 1, 2000.