

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1132*
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Short Title: Preserve Farmlands/Promote Small Farms.

(Public)

Sponsors:

Referred to:

April 15, 1999

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

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 **"§ 153A-335.1. Fees to support farmland protection.**

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

1 shall be used to meet the county match requirements for obtaining funding from the
2 North Carolina Farmland Preservation Trust Fund."

3 Section 4. This act becomes effective July 1, 1999.