PRINTER'S NO. 1062

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 970 Session of 2011

INTRODUCED BY DINNIMAN, FONTANA, RAFFERTY AND YAW,
APRIL 15, 2011

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, APRIL 15, 2011

AN ACT

1 Amending the act of June 30, 1981 (P.L.128, No.43), entitled "An
2 act authorizing the creation of agricultural areas," further
3 providing for purchase of agricultural conservation
4 easements.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 14.1(b)(2)(i) and (c)(2) and (3) of the
8 act of June 30, 1981 (P.L.128, No.43), known as the Agricultural
9 Area Security Law, amended November 3, 1994 (P.L.621, No.96),
10 May 30, 2001 (P.L.103, No.14), November 1, 2005 (P.L.323, No.61)
11 and May 15, 2006 (P.L.190, No.46) are amended to read:
12 Section 14.1. Purchase of agricultural conservation easements.
13 * * *
14 (b) County programs.--After the establishment of an
15 agricultural security area by the governing body, the county
16 governing body may authorize a program to be administered by the
17 county board for purchasing agricultural conservation easements
18 from landowners whose land is either within an agricultural
19 security area or in compliance with the criteria set forth in

paragraph (2)(i).

* * *

(2) It shall be the duty and responsibility of the county board to exercise the following powers:

(i) (A) To adopt rules and regulations for the administration of a county program for the purchase of agricultural conservation easements in accordance with the provisions of this act, including, but not limited to, rules and regulations governing the submission of applications by landowners, establishing standards and procedures for the appraisal of property eligible for purchase as an agricultural conservation easement, establishing minimum criteria for eligibility of viable agricultural land a portion of which is used for commercial equine activity and establishing standards and procedures for the selection or purchase of agricultural conservation easements.

(A.1) Prior to exercising authority under subsection (b.2), to include in such rules and regulations, standards and procedures for the participation with eligible nonprofit entities in the purchase of agricultural conservation easements as described in subsection (b.2).

(B) To include in such rules and regulations, standards and procedures for the selection or purchase of agricultural conservation easements, in accordance with subsection (b.2), by the county solely or jointly with the Commonwealth, a local government unit, an eligible nonprofit entity or any

combination of these, on that portion of a parcel which is not within an agricultural security area if all of the following criteria are complied with:

(I) The land is part of a parcel of farm land which is bisected by the dividing line between two local government units.

(II) The majority of the farm's viable agricultural land is located within an existing agricultural security area. Upon purchase of an easement covering the portion of the parcel which is not located within an agricultural security area, that portion of the parcel shall immediately become part of the previously established agricultural security area which contains a majority of the farm's viable agricultural land. The governing body which created the agricultural security area which contains a majority of the farm's viable agricultural land shall be responsible for the recording, filing and notification outlined in section 8(d) and (g) concerning land added to the agricultural security area pursuant to this clause.

(C) To include in such rules and regulations, standards and procedures for the selection or purchase of agricultural conservation easements, in accordance with subsection (b.2), by the county solely or jointly with the Commonwealth, a local government unit, an eligible nonprofit entity or any combination of these, on that portion of a parcel

located in an adjoining county if all of the following criteria are complied with:

(I) The land is part of a parcel of farm land which is bisected by the dividing line between the purchasing county and the adjoining county.

(II) Either a mansion house is located on that portion of the parcel which is within the purchasing county or the dividing line between the counties bisects the mansion house and the owner of the parcel has chosen the purchasing county as the situs of assessment for tax purposes or, if there is no mansion house on the parcel, the majority of the farm's viable agricultural land is located in the purchasing county.

(III) The portion of the parcel located in the purchasing county is within an agricultural security area. Upon purchase of an easement by the purchasing county covering that portion of the parcel located in the adjoining county, the portion of the parcel located in the adjoining county shall immediately become part of the agricultural security area previously established in the purchasing county. The governing body which created the agricultural security area in the purchasing county shall be responsible for the recording, filing and notification outlined in section 8(d) and (g) concerning land added to the agricultural security area pursuant to this

clause.

(D) To include in such rules and regulations, a requirement that discrete tracts of land that are aggregated in a single agricultural conservation easement purchase application shall be merged, prior to the sale of the agricultural conservation easement, such that the subdivision and the subdivision review procedures described in subsection (i) are required for any tract of land that is less than all of the land described in the deed of agricultural conservation easement to be transferred to another.

* * *

(c) Restrictions and limitations.--An agricultural conservation easement shall be subject to the following terms, conditions, restrictions and limitations:

* * *

[(2) Unless otherwise authorized in accordance with subsection (i), an agricultural conservation easement shall not be sold, conveyed, extinguished, leased, encumbered or restricted in whole or in part for a period of 25 years beginning on the date of purchase of the easement.

(3) Unless otherwise authorized in accordance with subsection (i), if the land subject to the agricultural conservation easement is no longer viable agricultural land, the Commonwealth, subject to the approval of the State board, and the county, subject to the approval of the county board, may sell, convey, extinguish, lease, encumber or restrict an agricultural conservation easement to the current owner of record of the farmland subject to the easement after the

expiration of 25 years from the date of purchase of the easement for a purchase price equal to the value at the time of resale determined pursuant to subsection (f) at the time of conveyance. A conveyance by the Commonwealth pursuant to this subsection shall not be subject to the requirements of Article XXIV-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." The purchase price shall be payable to the Commonwealth and the county as their respective legal interests in the agricultural conservation easement appear, and a separate payment shall be made to the Commonwealth and the county accordingly at the time of settlement. Any payment received by the Commonwealth pursuant to this provision shall be paid into the fund.]

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Section 2. This act shall take effect in 60 days.