
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 723 Session of
2005

INTRODUCED BY WENGER, WAUGH, VANCE, ERICKSON, MUSTO, RAFFERTY,
GREENLEAF, EARLL, BROWNE, O'PAKE, LEMMOND, PILEGGI, PICCOLA,
ORIE, ROBBINS, FERLO, WONDERLING, ARMSTRONG AND THOMPSON,
JUNE 3, 2005

AS AMENDED ON THIRD CONSIDERATION, JUNE 28, 2005

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 statement of legislative findings, for
4 definitions, for purchase of agricultural conservation
5 easements and for legislative report.

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

8 Section 1. Section 2 of the act of June 30, 1981 (P.L.128,
9 No.43), known as the Agricultural Area Security Law, is amended
10 by adding a paragraph to read:

11 Section 2. Statement of legislative findings.

12 It is the declared policy of the Commonwealth to conserve and
13 protect and to encourage the development and improvement of its
14 agricultural lands for the production of food and other
15 agricultural products. It is also the declared policy of the
16 Commonwealth to conserve and protect agricultural lands as
17 valued natural and ecological resources which provide needed
18 open spaces for clean air, as well as for aesthetic purposes.

1 Article VIII, section 2 of the Constitution of Pennsylvania
2 provides that the General Assembly may, by law, establish
3 standards and qualifications for agricultural reserves.
4 Agriculture in many parts of the Commonwealth is under urban
5 pressure from expanding metropolitan areas. This urban pressure
6 takes the form of scattered development in wide belts around
7 urban areas, and brings conflicting land uses into
8 juxtaposition, creates high costs for public services, and
9 stimulates land speculation. When this scattered development
10 extends into good farm areas, ordinances inhibiting farming tend
11 to follow, farm taxes rise, and hopes for speculative gains
12 discourage investments in farm improvements. Many of the
13 agricultural lands in the Commonwealth are in jeopardy of being
14 lost for any agricultural purposes. Certain of these lands
15 constitute unique and irreplaceable land resources of Statewide
16 importance. It is the purpose of this act to provide means by
17 which agricultural land may be protected and enhanced as a
18 viable segment of the Commonwealth's economy and as an economic
19 and environmental resource of major importance.

20 It is further the purpose of this act to:

21 * * *

22 (6) Encourage financial partnerships between State and
23 local governments with nonprofit entities in order to
24 increase the funds available for agricultural conservation
25 easement purchases.

26 Section 2. Section 3 of the act is amended by adding a
27 definition to read:

28 Section 3. Definitions.

29 The following words and phrases when used in this act shall
30 have the meanings given to them in this section, unless the

1 context clearly indicates otherwise:

2 * * *

3 "Eligible nonprofit entity." An entity that provides an
4 eligible county ~~adequate proof of~~ SATISFACTORY PROOF OF ALL OF ←
5 the following:

6 (1) That the entity is tax exempt under section
7 501(c)(3) of the Internal Revenue Code of 1986 (Public Law
8 99-514, 26 U.S.C. § 501(c)(3)).

9 (2) That the entity has as a primary purpose the
10 preservation of agricultural land.

11 (3) That the entity's principal registered business
12 address is located either within the eligible county or is
13 located in a county that adjoins the eligible county.

14 (4) That the entity has acquired, whether through
15 purchase, donation or other transfer, at least one
16 agricultural conservation easement within the eligible county
17 in the preceding or current calendar year.

18 * * *

19 Section 3. Section 14.1(a)(3)(vi) and (viii), (b)(2)(i)(B)
20 and (C), (xi) and (xii) and (b.1) introductory paragraph of the
21 act, amended or added December 21, 1998 (P.L.1056, No.138) and
22 May 30, 2001 (P.L.103, No.14), are amended, subsection (b)(2)(i)
23 is amended by adding a clause and the section is amended by
24 adding a subsection to read:

25 Section 14.1. Purchase of agricultural conservation easements.

26 (a) State Agricultural Land Preservation Board.--The
27 Department of Agriculture and the State Agricultural Land
28 Preservation Board shall administer pursuant to this section a
29 program for the purchase of agricultural conservation easements
30 by the Commonwealth.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

* * *

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

* * *

(vi) To purchase agricultural conservation easements jointly with a county, ~~or or jointly with a county and a local government unit, or jointly with a county and an eligible nonprofit entity, or jointly with a county, a local government unit and an eligible nonprofit entity,~~ if recommended by a county and approved by the State board as provided in subparagraph (iii).

<—

* * *

(viii) To establish and maintain a central repository of records which shall contain records of county programs for purchasing agricultural conservation easements, records of agricultural conservation easements purchased by local government units, by local government units and counties [and], by local government units and the Commonwealth, by eligible nonprofit entities in accordance with subsection (b.2), and records of agricultural conservation easements purchased by the Commonwealth. All records indicating the purchase of agricultural conservation easements shall refer to and describe the farm land subject to the agricultural conservation easement.

* * *

(b) County programs.--After the establishment of an agricultural security area by the governing body, the county governing body may authorize a program to be administered by the county board for purchasing agricultural conservation easements

1 from landowners whose land is either within an agricultural
2 security area or in compliance with the criteria set forth in
3 paragraph (2)(i).

4 * * *

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

7 (i) * * *

8 (A.1) To opt to include in such rules and
9 regulations, standards and procedures to permit
10 participation with eligible nonprofit entities in the
11 purchase of agricultural conservation easements as
12 described in subsection (b.2).

13 (B) To include in such rules and regulations,
14 standards and procedures for the selection or
15 purchase of agricultural conservation easements by
16 the county solely [or jointly with either the
17 Commonwealth or a local government unit, or both], or
18 jointly with the Commonwealth, a local government
19 unit, an eligible nonprofit entity, or any
20 combination of these, on that portion of a parcel
21 which is not within an agricultural security area if
22 all of the following criteria are complied with:

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

26 (II) The majority of the farm's viable
27 agricultural land is located within an existing
28 agricultural security area. Upon purchase of an
29 easement covering the portion of the parcel which
30 is not located within an agricultural security

1 area, that portion of the parcel shall
2 immediately become part of the previously
3 established agricultural security area which
4 contains a majority of the farm's viable
5 agricultural land. The governing body which
6 created the agricultural security area which
7 contains a majority of the farm's viable
8 agricultural land shall be responsible for the
9 recording, filing and notification outlined in
10 section 8(d) and (g) concerning land added to the
11 agricultural security area pursuant to this
12 clause.

13 (C) To include in such rules and regulations,
14 standards and procedures for the selection or
15 purchase of agricultural conservation easements by
16 the county solely or jointly with either the
17 Commonwealth or a local government unit, or both, on
18 that portion of a parcel located in an adjoining
19 county if all of the following criteria are complied
20 with:

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

25 (II) Either a mansion house is located on
26 that portion of the parcel which is within the
27 purchasing county or the dividing line between
28 the counties bisects the mansion house and the
29 owner of the parcel has chosen the purchasing
30 county as the situs of assessment for tax

1 purposes or, if there is no mansion house on the
2 parcel, the majority of the farm's viable
3 agricultural land is located in the purchasing
4 county.

5 (III) The portion of the parcel located in
6 the purchasing county is within an agricultural
7 security area. Upon purchase of an easement by
8 the purchasing county covering that portion of
9 the parcel located in the adjoining county, the
10 portion of the parcel located in the adjoining
11 county shall immediately become part of the
12 agricultural security area previously established
13 in the purchasing county. The governing body
14 which created the agricultural security area in
15 the purchasing county shall be responsible for
16 the recording, filing and notification outlined
17 in section 8(d) and (g) concerning land added to
18 the agricultural security area pursuant to this
19 clause.

20 * * *

21 (xi) To recommend to the State board the purchase of
22 agricultural conservation easements by the Commonwealth
23 and the county jointly[.], or jointly with the
24 Commonwealth, the county and a local government unit, or
25 jointly with the Commonwealth, the county and an eligible
26 nonprofit entity, or jointly with the Commonwealth, the
27 county, a local government unit and an eligible nonprofit
28 entity.

29 (xii) To purchase agricultural conservation
30 easements jointly with the Commonwealth[.], or jointly

1 with the Commonwealth, the county and a local government
2 unit, or jointly with the Commonwealth, the county and an
3 eligible nonprofit entity, or jointly with the
4 Commonwealth, the county, a local government unit and an
5 eligible nonprofit entity.

6 * * *

7 (b.1) Local government unit participation.--Any local
8 government unit that has created an agricultural security area
9 may participate along with an eligible county and the
10 Commonwealth, and an eligible nonprofit entity, in the
11 preservation of farmland through the purchase of agricultural
12 conservation easements.

13 * * *

14 (b.2) Eligible nonprofit entity participation.--To the
15 extent provided for in clause (A.1), an eligible nonprofit
16 entity may participate along with an eligible county, the
17 Commonwealth and a local government unit eligible to participate
18 under subsection (b.1), in the preservation of farmland through
19 the purchase of agricultural conservation easements.

20 (1) The eligible nonprofit entity may purchase an
21 agricultural conservation easement if all of the following
22 apply:

23 (i) The agricultural conservation easement is a
24 joint purchase with the county, and may include the
25 Commonwealth or a local government unit, or both.

26 (ii) The deed of agricultural conservation easement
27 is as prescribed by the State board for agricultural
28 conservation easements purchased by the Commonwealth.

29 (2) The county board shall be responsible to record
30 agricultural conservation easements where an eligible

1 nonprofit entity is a party to the purchase of the easement.
2 The easement shall be recorded by the county board in the
3 office of the recorder of deeds of the county wherein the
4 agricultural conservation easements are located. The county
5 board shall submit to the State board a certified copy of
6 agricultural conservation easements within 30 days after
7 recording. The county board shall attach to all certified
8 copies of the agricultural conservation easements submitted
9 to the State board a description of the farmland subject to
10 the agricultural conservation easements.

11 Section 4. Section 14.4(7) of the act, added December 14,
12 1988 (P.L.1202, No.149), is amended to read:

13 Section 14.4. Legislative report.

14 The State board shall submit to the General Assembly an
15 annual report no later than May 1. The report shall include, but
16 not be limited to, the following information:

17 * * *

18 (7) The number and value of agricultural conservation
19 easements purchased jointly by the Commonwealth and the
20 counties, including the number and value of purchases made
21 during the preceding calendar and the preceding fiscal year
22 of the Commonwealth, and the extent of local government unit
23 or eligible nonprofit entity participation in the
24 transaction.

25 * * *

26 Section 5. The amendment or addition of the following
27 provisions shall apply to an agricultural conservation easement
28 jointly recorded with a recorder of deeds of this Commonwealth
29 by an "eligible nonprofit entity," as defined in section 3 of
30 the act, and a county or with the Commonwealth prior to or on or

1 after the effective date of this section:

2 (1) The addition of section 2(6) of the act.

3 (2) The addition of the definition of "eligible
4 nonprofit entity" in section 3 of the act.

5 (3) The amendment of section 14.1(a)(3)(vi) and (viii),
6 (b)(2)(i)(B) and (C) and (xi) of the act.

7 (4) The amendment of section 14.4(7) of the act.

8 Section 6. This act shall take effect immediately.