

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 940 Session of
2005

INTRODUCED BY WAUGH, WENGER, BRIGHTBILL, ERICKSON, FONTANA,
ROBBINS, LEMMOND, PUNT, O'PAKE, ORIE, WOZNIAK, RAFFERTY,
KASUNIC AND MUSTO, OCTOBER 17, 2005

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, OCTOBER 17, 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 the Agricultural Conservation Easement Purchase
4 Fund; providing for the Land Trust Reimbursement Program, for
5 proceeds from sales by the Department of Agriculture and for
6 grants for agricultural land conservation assistance; and
7 making a related repeal.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 14.2(a) of the act of June 30, 1981
11 (P.L.128, No.43), known as the Agricultural Area Security Law,
12 added December 14, 1988 (P.L.1202, No.149), is amended to read:
13 Section 14.2. Agricultural Conservation Easement Purchase Fund.

14 (a) Purpose of fund.--

15 (1) The Agricultural Conservation Easement Purchase Fund
16 shall be the source from which all moneys are authorized with
17 the approval of the Governor to carry out the purpose of this
18 act. [The]

19 (2) Except as set forth in paragraph (3), the moneys
20 appropriated to the fund shall be utilized in accordance with

1 the expenditures and distribution authorized, required or
2 otherwise provided in the program for purchase of
3 agricultural conservation easements contained in section
4 14.1, for the purpose of paying all costs, except
5 administrative costs, incurred by the Commonwealth or a
6 county incident to the purchase of agricultural conservation
7 easements, and for the purpose of reimbursing nonprofit land
8 conservation organizations for expenses incurred in acquiring
9 and transferring agricultural conservation easements to the
10 Commonwealth or a county.

11 (3) Each fiscal year, up to \$200,000 of the money in the
12 fund shall be transferred to a segregated account within the
13 fund for the purpose of reimbursement allocation under
14 section 14.6(b). Funds may be used for administrative
15 expenses of the department incurred under section 14.6(b). At
16 the end of each fiscal year, money in the segregated account
17 which is not encumbered under this paragraph shall be
18 transferred back into the fund.

19 * * *

20 Section 2. The act is amended by adding sections to read:

21 Section 14.6. Land Trust Reimbursement Program.

22 (a) Establishment.--The Land Trust Reimbursement Program is
23 hereby established.

24 (b) Reimbursement.--Funds may be allocated to reimburse land
25 trusts for expenses incurred in acquiring agricultural
26 conservation easements in this Commonwealth.

27 (c) Eligible expenses.--Eligible expenses include:

28 (1) Appraisals.

29 (2) Legal services.

30 (3) Title searches.

1 (4) Document preparation.

2 (5) Title insurance.

3 (6) Closing fees.

4 (7) Survey costs.

5 (d) Limitation.--Reimbursement shall be limited to \$5,000
6 per easement.

7 (e) Eligibility.--In order to be eligible under this
8 subsection, a land trust must:

9 (1) be a tax-exempt institution under section 501(c)(3)
10 of the Internal Revenue Code of 1986 (Public Law 99-514, 26
11 U.S.C. § 503(c)(3)) and include the acquisition of
12 agricultural or other conservation easements in its stated
13 purpose;

14 (2) register with the State board;

15 (3) coordinate their farmland preservation activities
16 with the county in which the activity occurs, if the activity
17 occurs in an eligible county or coordinate their farmland
18 preservation activities with the State board, if the activity
19 does not occur within an eligible county; and

20 (4) submit an application to the State board, with the
21 statement of costs incidental to acquisition, the deed of
22 easement and any other documentation required by the State
23 board, within 60 days of closing on the easement.

24 Section 14.7. Proceeds from sale of land, equipment or
25 facilities.

26 (a) Agricultural Conservation Easement Purchase Fund.--
27 Proceeds from the sale of all land, or portions of land,
28 equipment or facilities, transferred to the Department of
29 Agriculture under the act of June 18, 1982 (P.L.549, No.159),
30 entitled "An act providing for the administration of certain

1 Commonwealth farmland within the Department of Agriculture," and
2 subsequently disposed of by the Commonwealth under Article XXIV-
3 A of the act of April 9, 1929 (P.L.177, No.175), known as "The
4 Administrative Code of 1929," shall, notwithstanding section 623
5 of "The Administrative Code of 1929" or any other provision of
6 the law to the contrary, be credited to the fund.

7 (b) State Farm Products Show Fund.--Proceeds from the sale
8 of all land or portions of land, equipment or facilities at the
9 Woodville State Farm, Collier Township, Allegheny county, and
10 transferred to the Department of Agriculture under the act of
11 June 18, 1982 (P.L.549, No.159), and subsequently disposed of by
12 the Commonwealth under Article XXIV-A of "The Administrative
13 Code of 1929" shall, notwithstanding any other provision of the
14 law to the contrary, be credited to the State Farm Products Show
15 Fund.

16 (c) Administrative Code.--Section 623 of "The Administrative
17 Code of 1929," relating to disposition of Commonwealth assets,
18 shall not apply to subsection (a) insofar as it is inconsistent
19 with this section.

20 Section 14.8. Agricultural land conservation assistance grant
21 program.

22 (a) Authorization.--The department, in consultation with the
23 State board, is hereby authorized to use up to \$750,000 of the
24 funds deposited into the fund under section 14.7(a) to make
25 grants to counties for the following purposes:

26 (1) To cover costs incurred by a county in creating a
27 spatial mapping database. Such database shall contain
28 topographic data, property boundaries, soil boundaries, soil
29 capability classes and soil productivity ratings.

30 (2) To cover costs incurred by a county to train staff,

1 contract with consultants and pay for computer software.

2 (3) To assist counties in the development implementation
3 of agricultural zoning ordinances, including model ordinances
4 for possible adoption by local government units.

5 (b) Limit.--Grants made under subsection (a) shall not
6 exceed the lesser of \$10,000 or 50% of the costs incurred by the
7 county.

8 (c) Application.--A county may submit an application for a
9 grant under this section to the department in such form and
10 manner and containing such documentation as the department, in
11 consultation with the State board, shall prescribe.

12 (d) Criteria.--The department, in consultation with the
13 State board, shall establish eligibility criteria for awarding
14 grants for the purposes enumerated in subsection (a). No county
15 shall be eligible for more than an accumulative total of \$10,000
16 in grants annually pursuant to this section. A county which
17 receives a grant under this section but which fails to implement
18 an agricultural conservation easement purchase program shall be
19 required to repay the grant to the Commonwealth. Any such
20 repayments shall be credited to the fund and may be used for the
21 purposes of this section.

22 (e) Administration.--The department shall administer the
23 provisions of this section and is authorized, in consultation
24 with the State board, to adopt and promulgate regulations for
25 the administration and enforcement of the provisions of this
26 section.

27 Section 3. Repeals are as follows:

28 (1) The General Assembly declares that the repeal under
29 paragraph (2) is necessary to effectuate the addition of
30 sections 14.7 and 14.8 of the act.

1 (2) Sections 7.1 and 7.3 of the act of June 18, 1982
2 (P.L.549, No.159), entitled "An act providing for the
3 administration of certain Commonwealth farmland within the
4 Department of Agriculture," are repealed.
5 Section 4. This act shall take effect in 60 days.