
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, THOMPSON AND
KASUNIC, JUNE 3, 2005

AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 14, 2006

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 LIMITATION ON CERTAIN GOVERNMENTAL ACTIONS, <—
5 for purchase of agricultural conservation easements, FOR THE <—
6 AGRICULTURAL CONSERVATION EASEMENT PURCHASE FUND, and for <—
7 legislative report AND FOR THE LAND TRUST REIMBURSEMENT <—
8 PROGRAM; PROVIDING FOR ACQUISITIONS BY DONATION; AND
9 ABROGATING A REGULATION.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

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

15 Section 2. Statement of legislative findings.

16 It is the declared policy of the Commonwealth to conserve and
17 protect and to encourage the development and improvement of its
18 agricultural lands for the production of food and other

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

24 It is further the purpose of this act to:

25 * * *

26 (6) Encourage financial partnerships between State and
27 local governments with nonprofit entities in order to
28 increase the funds available for agricultural conservation
29 easement purchases.

30 Section 2. Section 3 of the act is amended by adding a

1 definition to read:

2 Section 3. Definitions.

3 The following words and phrases when used in this act shall
4 have the meanings given to them in this section, unless the
5 context clearly indicates otherwise:

6 * * *

7 "Eligible nonprofit entity." An entity that provides THE <—
8 STATE BOARD OR an eligible county satisfactory proof of all of
9 the following:

10 (1) That the entity is tax exempt under section
11 501(c)(3) of the Internal Revenue Code of 1986 (Public Law
12 99-514, 26 U.S.C. § 501(c)(3)).

13 (2) That the entity has as a primary purpose the <—
14 preservation of agricultural land.

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

18 (4) That the entity has acquired, whether through
19 purchase, donation or other transfer, at least one
20 agricultural conservation easement within the eligible county
21 in the preceding or current calendar year. EXPERIENCE <—

22 ACQUIRING, WHETHER THROUGH PURCHASE, DONATION OR OTHER
23 TRANSFER, AN AGRICULTURAL OR OTHER CONSERVATION EASEMENT.

24 * * *

25 SECTION 3. SECTION 13(A) AND (B) OF THE ACT, AMENDED
26 DECEMBER 14, 1988 (P.L.1202, NO.149), ARE AMENDED TO READ:
27 SECTION 13. LIMITATION ON CERTAIN GOVERNMENTAL ACTIONS.

28 (A) APPROVAL REQUIRED FOR CONDEMNATION AND FOR CERTAIN OTHER
29 ACTIONS BY AN AGENCY OF THE COMMONWEALTH.--NO AGENCY OF THE
30 COMMONWEALTH HAVING OR EXERCISING POWERS OF EMINENT DOMAIN SHALL

1 CONDEMN FOR ANY PURPOSE ANY LAND WITHIN ANY AGRICULTURAL
2 SECURITY AREA WHICH LAND IS BEING USED FOR PRODUCTIVE
3 AGRICULTURAL PURPOSES (NOT INCLUDING THE GROWING OF TIMBER)
4 UNLESS PRIOR APPROVAL HAS BEEN OBTAINED IN ACCORDANCE WITH THE
5 CRITERIA AND PROCEDURES ESTABLISHED IN THIS SECTION FROM THE
6 AGRICULTURAL LANDS CONDEMNATION APPROVAL BOARD AS ESTABLISHED IN
7 SECTION 306 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN
8 AS "THE ADMINISTRATIVE CODE OF 1929." THE CONDEMNATION APPROVAL
9 SPECIFIED BY THIS SUBSECTION SHALL NOT BE REQUIRED FOR AN
10 UNDERGROUND PUBLIC UTILITY FACILITY THAT DOES NOT PERMANENTLY
11 IMPACT THE TILLING OF SOIL OR FOR ANY FACILITY OF AN ELECTRIC
12 COOPERATIVE CORPORATION OR FOR ANY PUBLIC UTILITY FACILITY THE
13 NECESSITY FOR AND THE PROPRIETY AND ENVIRONMENTAL EFFECTS OF
14 WHICH HAS BEEN REVIEWED AND RATIFIED OR APPROVED BY THE
15 PENNSYLVANIA PUBLIC UTILITY COMMISSION OR THE FEDERAL ENERGY
16 REGULATORY COMMISSION. IN ADDITION, ALL STATE-FUNDED DEVELOPMENT
17 PROJECTS WHICH MIGHT AFFECT LAND IN ESTABLISHED AGRICULTURAL
18 SECURITY AREAS SHALL BE REVIEWED BY THE APPROPRIATE LOCAL
19 AGRICULTURAL ADVISORY COMMITTEE AND BY THE AGRICULTURAL LANDS
20 CONDEMNATION APPROVAL BOARD. EACH REVIEWING BODY MAY SUGGEST ANY
21 MODIFICATION TO THE STATE-FUNDED DEVELOPMENT PROJECTS WHICH
22 ENSURES THE INTEGRITY OF THE AGRICULTURAL SECURITY AREAS AGAINST
23 NONFARM ENCROACHMENT.

24 (B) APPROVAL REQUIRED FOR CONDEMNATION BY A POLITICAL
25 SUBDIVISION, AUTHORITY, PUBLIC UTILITY OR OTHER BODY.--NO
26 POLITICAL SUBDIVISION, AUTHORITY, PUBLIC UTILITY OR OTHER BODY
27 HAVING OR EXERCISING POWERS OF EMINENT DOMAIN SHALL CONDEMN ANY
28 LAND WITHIN ANY AGRICULTURAL SECURITY AREA FOR ANY PURPOSE,
29 UNLESS PRIOR APPROVAL HAS BEEN OBTAINED FROM AGRICULTURAL LANDS
30 CONDEMNATION APPROVAL BOARD AND FROM EACH OF THE FOLLOWING

1 BODIES: THE GOVERNING BODIES OF THE LOCAL GOVERNMENT UNITS
2 ENCOMPASSING THE AGRICULTURAL SECURITY AREA, THE COUNTY
3 GOVERNING BODY, AND THE AGRICULTURAL SECURITY AREA ADVISORY
4 COMMITTEE. REVIEW BY THE AGRICULTURAL LANDS CONDEMNATION
5 APPROVAL BOARD AND THE OTHER INDICATED BODIES SHALL BE IN
6 ACCORDANCE WITH THE CRITERIA AND PROCEDURES ESTABLISHED IN THIS
7 SECTION. THE CONDEMNATION APPROVALS SPECIFIED BY THIS SUBSECTION
8 SHALL NOT BE REQUIRED FOR AN UNDERGROUND PUBLIC UTILITY FACILITY
9 THAT DOES NOT PERMANENTLY IMPACT THE TILLING OF SOIL OR FOR ANY
10 FACILITY OF AN ELECTRIC COOPERATIVE CORPORATION OR FOR ANY
11 PUBLIC UTILITY FACILITY THE NECESSITY FOR AND THE PROPRIETY AND
12 ENVIRONMENTAL EFFECTS OF WHICH HAS BEEN REVIEWED AND RATIFIED OR
13 APPROVED BY THE PENNSYLVANIA PUBLIC UTILITY COMMISSION OR THE
14 FEDERAL ENERGY REGULATORY COMMISSION, REGARDLESS OF WHETHER THE
15 RIGHT TO ESTABLISH AND MAINTAIN SUCH UNDERGROUND OR OTHER PUBLIC
16 UTILITY FACILITY IS OBTAINED BY CONDEMNATION, OR BY AGREEMENT
17 WITH THE OWNER.

18 * * *

19 Section ~~3~~ 4. Section 14.1(a)(3)(vi) and (viii), (b)(2)(i)(B) <—
20 and (C), (xi) and (xii) ~~and~~, (b.1) introductory paragraph AND <—
21 (D)(1)(III) of the act, amended or added December 21, 1998
22 (P.L.1056, No.138) ~~and~~, May 30, 2001 (P.L.103, No.14) AND <—
23 NOVEMBER 1, 2005 (P.L.323, NO.61), are amended, SUBSECTION <—
24 (B)(2) IS AMENDED BY ADDING A SUBPARAGRAPH, subsection (b)(2)(i)
25 is amended by adding a clause, SUBSECTION (D)(1) IS AMENDED BY <—
26 ADDING A CLAUSE and the section is amended by adding a
27 subsection to read:

28 Section 14.1. Purchase of agricultural conservation easements.

29 (a) State Agricultural Land Preservation Board.--The
30 Department of Agriculture and the State Agricultural Land

1 Preservation Board shall administer pursuant to this section a
2 program for the purchase of agricultural conservation easements
3 by the Commonwealth.

4 * * *

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

7 * * *

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

15 * * *

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

29 * * *

30 (b) County programs.--After the establishment of an

1 agricultural security area by the governing body, the county
2 governing body may authorize a program to be administered by the
3 county board for purchasing agricultural conservation easements
4 from landowners whose land is either within an agricultural
5 security area or in compliance with the criteria set forth in
6 paragraph (2)(i).

7 * * *

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

10 (i) * * *

11 (A.1) To opt PRIOR TO EXERCISING AUTHORITY UNDER <—
12 SUBSECTION (B.2), to include in such rules and
13 regulations, standards and procedures to permit FOR <—
14 THE participation with eligible nonprofit entities in
15 the purchase of agricultural conservation easements
16 as described in subsection (b.2).

17 (B) To include in such rules and regulations,
18 standards and procedures for the selection or
19 purchase of agricultural conservation easements, IN <—
20 ACCORDANCE WITH SUBSECTION (B.2), by the county
21 solely [or jointly with either the Commonwealth or a
22 local government unit, or both], or jointly with the
23 Commonwealth, a local government unit, an eligible
24 nonprofit entity, or any combination of these, on
25 that portion of a parcel which is not within an
26 agricultural security area if all of the following
27 criteria are complied with:

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

1 (II) The majority of the farm's viable
2 agricultural land is located within an existing
3 agricultural security area. Upon purchase of an
4 easement covering the portion of the parcel which
5 is not located within an agricultural security
6 area, that portion of the parcel shall
7 immediately become part of the previously
8 established agricultural security area which
9 contains a majority of the farm's viable
10 agricultural land. The governing body which
11 created the agricultural security area which
12 contains a majority of the farm's viable
13 agricultural land shall be responsible for the
14 recording, filing and notification outlined in
15 section 8(d) and (g) concerning land added to the
16 agricultural security area pursuant to this
17 clause.

18 (C) To include in such rules and regulations,
19 standards and procedures for the selection or
20 purchase of agricultural conservation easements, IN <—
21 ACCORDANCE WITH SUBSECTION (B.2), by the county
22 solely or jointly with [either] the ~~Commonwealth or a~~ <—
23 ~~local government unit, or both, on~~ COMMONWEALTH [OR], <—
24 A LOCAL GOVERNMENT UNIT, [OR BOTH] AN ELIGIBLE
25 NONPROFIT ENTITY, OR ANY COMBINATION OF THESE, ON
26 that portion of a parcel located in an adjoining
27 county if all of the following criteria are complied
28 with:

29 (I) The land is part of a parcel of farm
30 land which is bisected by the dividing line

1 between the purchasing county and the adjoining
2 county.

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

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

28 * * *

29 (xi) To recommend to the State board the purchase of
30 agricultural conservation easements by the Commonwealth

1 and the county jointly[.], or jointly with BY the <—
2 Commonwealth, the county and a local government unit, or
3 jointly with BY the Commonwealth, the county and an <—
4 eligible nonprofit entity, or jointly with BY the <—
5 Commonwealth, the county, a local government unit and an
6 eligible nonprofit entity.

7 (xii) To purchase agricultural conservation
8 easements jointly with the Commonwealth[.], or jointly
9 with the Commonwealth, the county and a local government
10 unit, or jointly with the Commonwealth, the county and an
11 eligible nonprofit entity, or jointly with the
12 Commonwealth, the county, a local government unit and an
13 eligible nonprofit entity.

14 * * *

15 (XVI) NOTWITHSTANDING ANY OTHER PERMITTED OR <—
16 REQUIRED USE OF ACCRUED INTEREST DISTRIBUTED IN
17 ACCORDANCE WITH SECTION 8(B.1) AND (B.2) OF THE ACT OF
18 DECEMBER 19, 1974 (P.L.973, NO.319), KNOWN AS THE
19 "PENNSYLVANIA FARMLAND AND FOREST LAND ASSESSMENT ACT OF
20 1974," TO USE ANY PORTION OF THAT ACCRUED INTEREST IN THE
21 FOLLOWING MANNER:

22 (A) TO DEVELOP CONSERVATION PLANS.

23 (B) TO MONITOR AND ENFORCE AGRICULTURAL
24 CONSERVATION EASEMENTS, INCLUDING THE PAYMENT OF
25 LEGAL COSTS ASSOCIATED WITH DEFENDING AN AGRICULTURAL
26 CONSERVATION EASEMENT.

27 * * *

28 (b.1) Local government unit participation.--Any local
29 government unit that has created an agricultural security area
30 may participate along with an eligible county and the

Commonwealth, and an eligible nonprofit entity, in the preservation of farmland through the purchase of agricultural conservation easements.

* * *

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

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

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

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

(2) The county board shall be responsible to record agricultural conservation easements where an eligible nonprofit entity is a party to the purchase of the easement. The easement shall be recorded by the county board in the office of the recorder of deeds of the county wherein the agricultural conservation easements are located. The county board shall submit to the State board a certified copy of agricultural conservation easements within 30 days after recording. The county board shall attach to all certified copies of the agricultural conservation easements submitted to the State board a description of the farmland subject to

1 the agricultural conservation easements.

2 * * *

3 (D) PROGRAM APPROVAL.--

<—

4 (1) THE STANDARDS, CRITERIA AND REQUIREMENTS ESTABLISHED
5 BY THE STATE BOARD FOR STATE BOARD APPROVAL OF COUNTY
6 PROGRAMS FOR PURCHASING AGRICULTURAL CONSERVATION EASEMENTS
7 SHALL INCLUDE, BUT NOT BE LIMITED TO, THE EXTENT TO WHICH THE
8 COUNTY PROGRAMS CONSIDER AND ADDRESS THE FOLLOWING:

9 * * *

10 (III) THE STEWARDSHIP OF THE LAND AND USE OF
11 CONSERVATION PRACTICES AND BEST LAND MANAGEMENT
12 PRACTICES, INCLUDING, BUT NOT LIMITED TO, SOIL EROSION
13 AND SEDIMENTATION CONTROL, AS REQUIRED BY THE ACT OF JUNE
14 22, 1937 (P.L.1987, NO.394), KNOWN AS "THE CLEAN STREAMS
15 LAW," AND NUTRIENT AND ODOR MANAGEMENT[.] AS MAY BE
16 REQUIRED BY 3 PA.C.S. CH. 5 (RELATING TO NUTRIENT AND
17 ODOR MANAGEMENT). A CONSERVATION PLAN SHALL ONLY BE
18 REQUIRED TO BE UPDATED WHEN A CHANGE IN LAND MANAGEMENT
19 PRACTICE TAKES PLACE OR WHEN A VIOLATION OF "THE CLEAN
20 STREAMS LAW" OCCURS.

21 * * *

22 (V) PROVISIONS REQUIRING A FARMLAND TRACT TO BE
23 CONTIGUOUS ACREAGE OF AT LEAST 50 ACRES IN SIZE UNLESS
24 THE TRACT IS AT LEAST TEN ACRES IN SIZE AND IS EITHER
25 UTILIZED FOR A CROP UNIQUE TO THE AREA OR IS CONTIGUOUS
26 TO PROPERTY WHICH HAS A PERPETUAL CONSERVATION EASEMENT
27 IN PLACE HELD BY A "QUALIFIED ORGANIZATION," AS DEFINED
28 IN SECTION 170(H)(3) OF THE INTERNAL REVENUE CODE OF 1986
29 (PUBLIC LAW 99-514, 26 U.S.C. § 170(H)(3)). A COUNTY MAY
30 REQUIRE A FARMLAND TRACT TO BE CONTIGUOUS ACREAGE OF AT

1 LEAST 25 ACRES IN SIZE UNLESS THE TRACT IS AT LEAST TEN
2 ACRES IN SIZE AND IS EITHER UTILIZED FOR A CROP UNIQUE TO
3 THE AREA OR IS CONTIGUOUS TO A PROPERTY WHICH HAS A
4 PERPETUAL CONSERVATION EASEMENT IN PLACE HELD BY A
5 "QUALIFIED CONSERVATION ORGANIZATION," AS DEFINED IN
6 SECTION 170(H)(3) OF THE INTERNAL REVENUE CODE OF 1986.

7 * * *

8 SECTION 5. SECTION 14.2(A) OF THE ACT, ADDED DECEMBER 14,
9 1988 (P.L.1202, NO.149), IS AMENDED TO READ:

10 SECTION 14.2. AGRICULTURAL CONSERVATION EASEMENT PURCHASE FUND.

11 (A) PURPOSE OF FUND.--

12 (1) THE AGRICULTURAL CONSERVATION EASEMENT PURCHASE FUND
13 SHALL BE THE SOURCE FROM WHICH ALL MONEYS ARE AUTHORIZED WITH
14 THE APPROVAL OF THE GOVERNOR TO CARRY OUT THE PURPOSE OF THIS
15 ACT. [THE]

16 (2) EXCEPT AS SET FORTH IN PARAGRAPH 3, THE MONEYS
17 APPROPRIATED TO THE FUND SHALL BE UTILIZED IN ACCORDANCE WITH
18 THE EXPENDITURES AND DISTRIBUTION AUTHORIZED, REQUIRED OR
19 OTHERWISE PROVIDED IN THE PROGRAM FOR PURCHASE OF
20 AGRICULTURAL CONSERVATION EASEMENTS CONTAINED IN SECTION
21 14.1, FOR THE PURPOSE OF PAYING ALL COSTS, EXCEPT
22 ADMINISTRATIVE COSTS, INCURRED BY THE COMMONWEALTH OR A
23 COUNTY INCIDENT TO THE PURCHASE OF AGRICULTURAL CONSERVATION
24 EASEMENTS, AND FOR THE PURPOSE OF REIMBURSING NONPROFIT LAND
25 CONSERVATION ORGANIZATIONS FOR EXPENSES INCURRED IN ACQUIRING
26 AND TRANSFERRING AGRICULTURAL CONSERVATION EASEMENTS TO THE
27 COMMONWEALTH OR A COUNTY.

28 (3) EACH FISCAL YEAR, UP TO \$200,000 OF THE MONEY IN THE
29 FUND MAY BE USED FOR THE PURPOSE OF REIMBURSEMENT ALLOCATION
30 UNDER SECTION 14.6(B). UP TO 10% OF THESE FUNDS MAY BE USED

1 FOR ADMINISTRATIVE EXPENSES OF THE DEPARTMENT INCURRED UNDER
2 SECTION 14.6(B).

3 * * *

4 Section 4 6. Section 14.4(7) of the act, added December 14, <—
5 1988 (P.L.1202, No.149), is amended to read:

6 Section 14.4. Legislative report.

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

10 * * *

11 (7) The number and value of agricultural conservation
12 easements purchased jointly by the Commonwealth and the
13 counties, including the number and value of purchases made
14 during the preceding calendar and the preceding fiscal year
15 of the Commonwealth, and the extent of local government unit
16 or eligible nonprofit entity participation in the
17 transaction.

18 * * *

19 SECTION 6.1. THE ACT IS AMENDED BY ADDING SECTIONS TO READ: <—
20 SECTION 14.6. LAND TRUST REIMBURSEMENT PROGRAM.

21 (A) ESTABLISHMENT.--THE LAND TRUST REIMBURSEMENT PROGRAM IS
22 HEREBY ESTABLISHED.

23 (B) REIMBURSEMENT.--FUNDS MAY BE ALLOCATED TO REIMBURSE LAND
24 TRUSTS FOR EXPENSES INCURRED IN ACQUIRING AGRICULTURAL
25 CONSERVATION EASEMENTS IN THIS COMMONWEALTH.

26 (C) ELIGIBLE EXPENSES.--ELIGIBLE EXPENSES INCLUDE:

27 (1) APPRAISALS.

28 (2) LEGAL SERVICES.

29 (3) TITLE SEARCHES.

30 (4) DOCUMENT PREPARATION.

1 (5) TITLE INSURANCE.

2 (6) CLOSING FEES.

3 (7) SURVEY COSTS.

4 (D) LIMITATIONS.--

5 (1) REIMBURSEMENT SHALL BE LIMITED TO \$5,000 PER
6 EASEMENT.

7 (2) THE TERM OF AN AGRICULTURAL CONSERVATION EASEMENT
8 SHALL BE PERPETUAL.

9 (E) ELIGIBILITY.--TO BE ELIGIBLE UNDER THIS SUBSECTION, A
10 LAND TRUST SHALL BE AN ELIGIBLE NONPROFIT ENTITY AND SHALL:

11 (1) REGISTER WITH THE STATE BOARD;

12 (2) COORDINATE AGRICULTURAL CONSERVATION EASEMENT
13 PURCHASE ACTIVITIES WITH THE ELIGIBLE COUNTY IN WHICH THE
14 ACTIVITY OCCURS OR COORDINATE SUCH ACTIVITIES WITH THE STATE
15 BOARD, IF THE ACTIVITY DOES NOT OCCUR WITHIN AN ELIGIBLE
16 COUNTY; AND

17 (3) SUBMIT AN APPLICATION TO THE STATE BOARD, WITH THE
18 STATEMENT OF COSTS INCIDENTAL TO ACQUISITION, THE DEED OF
19 EASEMENT AND ANY OTHER DOCUMENTATION REQUIRED BY THE STATE
20 BOARD, WITHIN 60 DAYS OF CLOSING ON THE EASEMENT.

21 SECTION 14.7. ACQUISITIONS BY DONATION.

22 (A) GENERAL RULE.--NOTWITHSTANDING ANY OTHER PROVISION OF
23 THIS ACT TO THE CONTRARY, UPON RECOMMENDATION BY AN ELIGIBLE
24 COUNTY, THE STATE BOARD, AN ELIGIBLE NONPROFIT ENTITY, OR A
25 LOCAL GOVERNMENT UNIT MAY ACQUIRE BY DONATION AN AGRICULTURAL
26 CONSERVATION EASEMENT IF ALL OF THE FOLLOWING CRITERIA ARE MET:

27 (1) THE LAND IS USED FOR AGRICULTURAL PRODUCTION.

28 (2) THE TERM OF THE AGRICULTURAL CONSERVATION EASEMENT
29 IS PERPETUAL.

30 (3) THE APPLICABLE COUNTY PROGRAM PROVIDES FOR THE

1 ACQUISITION BY DONATION OF AN AGRICULTURAL CONSERVATION
2 EASEMENT.

3 (4) THE AGRICULTURAL CONSERVATION EASEMENT IS AN
4 ACQUISITION BY DONATION BY THE APPLICABLE ELIGIBLE COUNTY AND
5 MAY INCLUDE THE COMMONWEALTH OR AN ELIGIBLE NONPROFIT ENTITY
6 OR A LOCAL GOVERNMENT UNIT, OR ANY COMBINATION OF THESE.

7 (5) INSTRUMENTS AND DOCUMENTS FOR THE ACQUISITION BY
8 DONATION OF AN AGRICULTURAL CONSERVATION EASEMENT ARE
9 APPROVED BY THE STATE BOARD OR THE COUNTY BOARD, AS THE CASE
10 MAY BE, PRIOR TO EXECUTION AND DELIVERY. PROPER RELEASES FROM
11 MORTGAGE HOLDERS AND LIENHOLDERS MUST BE OBTAINED AND
12 EXECUTED TO INSURE THAT ALL AGRICULTURAL CONSERVATION
13 EASEMENTS ARE ACQUIRED BY DONATION FREE AND CLEAR OF ALL
14 ENCUMBRANCES.

15 (6) THE AGRICULTURAL CONSERVATION EASEMENT HAS TITLE
16 INSURANCE.

17 (7) THE DEED OF AGRICULTURAL CONSERVATION EASEMENT IS AS
18 PRESCRIBED BY THE STATE BOARD FOR AGRICULTURAL CONSERVATION
19 EASEMENTS PURCHASED BY THE COMMONWEALTH.

20 (8) THE APPLICABLE COUNTY BOARD RECORDS AN AGRICULTURAL
21 CONSERVATION EASEMENT ACQUIRED BY DONATION BY THE COUNTY IN
22 THE OFFICE OF THE RECORDER OF DEEDS OF THE COUNTY WHEREIN THE
23 AGRICULTURAL CONSERVATION EASEMENT IS LOCATED AND SUBMITS TO
24 THE STATE BOARD A CERTIFIED COPY OF THE AGRICULTURAL
25 CONSERVATION EASEMENT WITHIN 30 DAYS AFTER RECORDING.

26 (B) EXPENSES.--THE ALLOCATION OF A COUNTY MAY BE ADJUSTED
27 FOR ALL COSTS, EXCEPT ADMINISTRATIVE COSTS, INCURRED BY THE
28 COMMONWEALTH OR A COUNTY INCIDENT TO THE ACQUISITION BY DONATION
29 OF AN AGRICULTURAL CONSERVATION EASEMENT.

30 Section 5 7. The amendment or addition of the following

<—

1 provisions shall apply to an agricultural conservation easement
2 jointly recorded with a recorder of deeds of this Commonwealth
3 by an "eligible nonprofit entity," as defined in section 3 of
4 the act, and a county or with the Commonwealth prior to or on ~~or~~ <—
5 ~~after~~ the effective date of this section:

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

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

9 ~~(3) The amendment of section 14.1(a)(3)(vi) and (viii), <—~~
10 ~~(b)(2)(i)(B) and (C) and (xi) of the act.~~

11 (3) THE FOLLOWING PROVISIONS OF SECTION 14.1 OF THE ACT: <—

12 (I) SUBSECTION (A)(3)(VI) AND (VIII).

13 (II) SUBSECTION (B)(2)(I)(B) AND (C), (XI) AND
14 (XII).

15 (III) THE INTRODUCTORY PARAGRAPH OF SUBSECTION
16 (B.1).

17 (IV) SUBSECTION (B.2).

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

19 SECTION 7.1. THE PROVISIONS OF 7 PA. CODE § 138E.16(A)(2) <—
20 ARE ABROGATED.

21 Section ~~6~~ 8. This act shall take effect immediately. <—