

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

**SENATE RESOLUTION**

**No. 195**      Session of  
2007

---

INTRODUCED BY BRUBAKER, FOLMER, CORMAN, FERLO, PUNT, WONDERLING,  
MADIGAN, MUSTO, BOSCOLA, ORIE, ERICKSON, EARLL, KITCHEN,  
BAKER, ROBBINS, WOZNIAK, ARMSTRONG, REGOLA, M. WHITE, O'PAKE,  
BROWNE AND C. WILLIAMS, OCTOBER 16, 2007

---

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, OCTOBER 16, 2007

---

A RESOLUTION

1 Directing the Legislative Budget and Finance Committee to review  
2 the Agricultural Conservation Easement Purchase Program.

3 WHEREAS, This Commonwealth's Agricultural Conservation  
4 Easement Purchase Program was developed in 1988; and

5 WHEREAS, This Commonwealth established local farmland  
6 preservation programs in 1981 with the passage of the act of  
7 June 30, 1981 (P.L.128, No.43), known as the Agricultural Area  
8 Security Law; and

9 WHEREAS, This Commonwealth is the leading state in farmland  
10 preservation, having purchased or funded agricultural  
11 conservation easements, as authorized by the Agricultural Area  
12 Security Law, to preserve more than 3,000 farms to date,  
13 totaling more than 365,000 acres; and

14 WHEREAS, Pennsylvanians have invested nearly \$1,000,000,000  
15 toward these agricultural conservation easement purchases  
16 through such funding mechanisms as State bond money, cigarette  
17 taxes and Growing Greener I and II funding; and

1       WHEREAS, Fifty-six counties have established county farmland  
2 preservation programs; and

3       WHEREAS, Federal funds of \$16 million have also been applied  
4 toward agricultural conservation easement purchases acquired  
5 under the authority of the Agricultural Area Security Law; and

6       WHEREAS, The primary objectives of farmland preservation are  
7 to preserve agricultural soils and agricultural operations in  
8 this Commonwealth and to maintain those characteristics which  
9 will assure the continued economic viability of farming  
10 businesses in the future; and

11       WHEREAS, There is a backlog of an estimated 2,000 farms,  
12 totaling 240,000 acres, which have applied to sell agricultural  
13 conservation easements authorized under the Agricultural Area  
14 Security Law; and

15       WHEREAS, A comprehensive review of this Commonwealth's  
16 Agricultural Conservation Easement Purchase Program has never  
17 been conducted in its existence, which is more than 20 years;  
18 therefore be it

19       RESOLVED, That the Senate direct the Legislative Budget and  
20 Finance Committee to undertake a comprehensive review of the  
21 Agricultural Conservation Easement Purchase Program; and be it  
22 further

23       RESOLVED, That the review include an analysis of the criteria  
24 used to prioritize which farms are selected for Agricultural  
25 Conservation Easement (ACE) purchase, the land use relationship  
26 between farms selected for ACE purchase and adjoining and  
27 neighboring tracts of land, the number of farms and acreage  
28 currently preserved which are still in agricultural operation,  
29 the effect on the economic viability of preserved farms where  
30 the uses of surrounding lands have been converted from

1 agricultural uses to nonagricultural uses, the effect of current  
2 statutory language that provides for the extinguishment of an  
3 ACE under certain circumstances after 25 years, the effect of  
4 the absence of any current statutory per-acre cap on the amount  
5 of State dollars that can be spent to acquire an ACE, the effect  
6 of permitting the acquisition of an ACE on a farm of fewer than  
7 50 contiguous acres in size, the effect of requiring local  
8 government participation for ACE purchases which exceed a set  
9 per-acre dollar amount, the options available to maximize the  
10 limited dollars available for ACE purchase, including  
11 consideration of installment purchases and the current  
12 Installment Purchase Agreement Program, the feasibility of  
13 mandating transitional guidance to all eased farm owners at the  
14 time a farm is being conveyed to a new owner, the feasibility  
15 of additional dedicated sources of revenue to fund the program,  
16 the feasibility of providing property tax incentives for  
17 preserved farms, including an automatic use-value assessment and  
18 millage freeze, the feasibility of providing tax credits in lieu  
19 of cash payment for ACE purchases, the effect of expanding the  
20 current provision authorizing coal mining on ACE-restricted land  
21 to the extraction of additional rock, minerals or gases, the  
22 effectiveness of the Agricultural Lands Condemnation Approval  
23 Board to adequately protect ACE-restricted land from  
24 condemnation, the effect of mandating a limitation on the amount  
25 of impervious surface, including paved roads, farm buildings and  
26 other construction which can be established on ACE-restricted  
27 land, the effect of nonprofit organization participation in ACE  
28 purchases under the Agricultural Area Security Law, the effect  
29 of permitting wind turbines used for generating electricity to  
30 be constructed on ACE-restricted land and the effect of

1 authorizing counties to utilize a portion of their annual State  
2 appropriations to fund legal costs incurred in ACE enforcement;  
3 and be it further

4       RESOLVED, That the Legislative Budget and Finance Committee  
5 complete its review and issue a report to the chairman and  
6 minority chairman of the Agriculture and Rural Affairs Committee  
7 of the Senate by August 31, 2008.