
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 723 Session of
2005

INTRODUCED BY WENGER, WAUGH, VANCE, ERICKSON, MUSTO, RAFFERTY,
GREENLEAF, EARLL, BROWNE AND O'PAKE, JUNE 3, 2005

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, JUNE 3, 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; providing
4 for the definition of "authorized entity"; and further
5 providing for purchase of agricultural conservation easements
6 and for legislative report.

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

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

12 Section 2. Statement of legislative findings.

13 It is the declared policy of the Commonwealth to conserve and
14 protect and to encourage the development and improvement of its
15 agricultural lands for the production of food and other
16 agricultural products. It is also the declared policy of the
17 Commonwealth to conserve and protect agricultural lands as
18 valued natural and ecological resources which provide needed
19 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 Federal,
23 State and local governments with private nonprofit entities
24 in order to leverage more funds for the purchase of
25 agricultural conservation easements.

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 "Authorized entity." Any entity that is tax exempt under
4 section 501(c)(3) of the Internal Revenue Code of 1986 (Public
5 Law 99-514, 26 U.S.C. § 501(c)(3)) and has a primary purpose of
6 preserving agricultural land.

7 * * *

8 Section 3. Section 14.1(a)(3)(vi), (b)(2)(i)(B) and (C),
9 (xi) and (xii) and (b.1)(4)(i) of the act, amended or added
10 December 21, 1998 (P.L.1056, No.138) and May 30, 2001 (P.L.103,
11 No.14), are amended and subsection (b)(2)(i) is amended by
12 adding a clause to read:

13 Section 14.1. Purchase of agricultural conservation easements.

14 (a) State Agricultural Land Preservation Board.--The
15 Department of Agriculture and the State Agricultural Land
16 Preservation Board shall administer pursuant to this section a
17 program for the purchase of agricultural conservation easements
18 by the Commonwealth.

19 * * *

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

22 * * *

23 (vi) To purchase agricultural conservation easements
24 jointly with a county, a local government unit or an
25 authorized entity, if recommended by a county and
26 approved by the State board as provided in subparagraph
27 (iii).

28 * * *

29 (b) County programs.--After the establishment of an
30 agricultural security area by the governing body, the county

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

6 * * *

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

9 (i) * * *

10 (B) To include in such rules and regulations,
11 standards and procedures for the selection or
12 purchase of agricultural conservation easements by
13 the county solely or jointly with [either the
14 Commonwealth or a local government unit, or both,] a
15 participant on that portion of a parcel which is not
16 within an agricultural security area if all of the
17 following criteria are complied with:

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

21 (II) The majority of the farm's viable
22 agricultural land is located within an existing
23 agricultural security area. Upon purchase of an
24 easement covering the portion of the parcel which
25 is not located within an agricultural security
26 area, that portion of the parcel shall
27 immediately become part of the previously
28 established agricultural security area which
29 contains a majority of the farm's viable
30 agricultural land. The governing body which

1 created the agricultural security area which
2 contains a majority of the farm's viable
3 agricultural land shall be responsible for the
4 recording, filing and notification outlined in
5 section 8(d) and (g) concerning land added to the
6 agricultural security area pursuant to this
7 clause.

8 (C) To include in such rules and regulations,
9 standards and procedures for the selection or
10 purchase of agricultural conservation easements by
11 the county solely or jointly with [either the
12 Commonwealth or a local government unit, or both,] a
13 participant on that portion of a parcel located in an
14 adjoining county if all of the following criteria are
15 complied with:

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

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

30 (III) The portion of the parcel located in

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

15 (D) For the purposes of this subparagraph, a
16 "participant" shall mean any of the following:

17 (I) The Commonwealth.

18 (II) A local government unit.

19 (III) An authorized entity.

20 (IV) Any combination of the entities listed
21 under this clause.

22 * * *

23 (xi) To recommend to the State board the purchase of
24 agricultural conservation easements by the Commonwealth
25 and the county or any authorized entity jointly.

26 (xii) To purchase agricultural conservation
27 easements jointly with the Commonwealth, any local
28 government unit or any authorized entity.

29 * * *

30 (b.1) Local government unit participation.--Any local

1 government unit that has created an agricultural security area
2 may participate along with an eligible county and the
3 Commonwealth in the preservation of farmland through the
4 purchase of agricultural conservation easements.

5 * * *

6 (4) The local government unit may purchase an
7 agricultural conservation easement, provided that all of the
8 following apply:

9 (i) The agricultural conservation easement is
10 located within an agricultural security area of at least
11 500 acres or the easement purchase is a joint purchase
12 [with either a county or both a county and the
13 Commonwealth] pursuant to the criteria set forth in
14 subsection (b)(2)(i)[.] with any of the following:

15 (A) The Commonwealth.

16 (B) A county.

17 (C) An authorized entity.

18 (D) Any combination of the entities listed in
19 clauses (A), (B) and (C).

20 * * *

21 Section 4. Section 14.4(7) of the act, added December 14,
22 1988 (P.L.1202, No.149), is amended to read:

23 Section 14.4. Legislative report.

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

27 * * *

28 (7) The number and value of agricultural conservation
29 easements purchased jointly by the Commonwealth and the
30 counties or the Commonwealth and authorized entities,

1 including the number and value of purchases made during the
2 preceding calendar and the preceding fiscal year of the
3 Commonwealth.

4 * * *

5 Section 5. The amendment or addition of the following
6 provisions shall apply to an agricultural conservation easement
7 jointly recorded with a recorder of deeds of this Commonwealth
8 by an authorized entity and a county or with the Commonwealth
9 prior to or on or after the effective date of this section:

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

11 (2) The addition of the definition of "authorized
12 entity" in section 3 of the act.

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

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

16 Section 6. This act shall take effect immediately.