

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 562 Session of 2011

INTRODUCED BY GILLEN, COX, MAHER, CALTAGIRONE, BOYD, DAY, FARRY, FLECK, GOODMAN, HARHAI, KAUFFMAN, KNOWLES, KULA, MAJOR, MASSER, MURT, PETRARCA, PYLE, READSHAW, REICHLEY, ROAE, STERN, TALLMAN, VULAKOVICH, MILLER, DENLINGER, GIBBONS, GILLESPIE, KILLION, BROOKS, SCHRODER, KORTZ, SWANGER AND EVERETT, FEBRUARY 9, 2011

SENATOR VOGEL, AGRICULTURE AND RURAL AFFAIRS, IN SENATE, AS AMENDED, JUNE 14, 2011

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 definitions AND FOR PURCHASE OF AGRICULTURAL
4 CONSERVATION EASEMENTS; and abrogating a regulation.



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

7 Section 1. Section 3 of the act of June 30, 1981 (P.L.128,
8 No.43), known as the Agricultural Area Security Law, is amended
9 by adding a definition to read:

10 Section 3. Definitions.

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

14 \* \* \*

15 "Contiguous acreage." All portions of one operational unit
16 as described in the deed, whether or not the portions are

1 divided by streams, public roads, bridges or railroads and  
2 whether or not described as multiple tax parcels, tracts,  
3 purparts or other property identifiers. The term includes  
4 supportive lands, such as unpaved field access roads, drainage  
5 areas, border strips, hedgerows, submerged lands, marshes, ponds  
6 and streams.

7 \* \* \*

8 SECTION 2. SECTION 14.1(C)(2), (3) AND (6) OF THE ACT, ←  
9 AMENDED NOVEMBER 3, 1994 (P.L.621, NO.96) AND NOVEMBER 1, 2005  
10 (P.L.323, NO.61), ARE AMENDED TO READ:

11 SECTION 14.1. PURCHASE OF AGRICULTURAL CONSERVATION EASEMENTS.

12 \* \* \*

13 (C) RESTRICTIONS AND LIMITATIONS.--AN AGRICULTURAL  
14 CONSERVATION EASEMENT SHALL BE SUBJECT TO THE FOLLOWING TERMS,  
15 CONDITIONS, RESTRICTIONS AND LIMITATIONS:

16 \* \* \*

17 [(2) UNLESS OTHERWISE AUTHORIZED IN ACCORDANCE WITH  
18 SUBSECTION (I), AN AGRICULTURAL CONSERVATION EASEMENT SHALL  
19 NOT BE SOLD, CONVEYED, EXTINGUISHED, LEASED, ENCUMBERED OR  
20 RESTRICTED IN WHOLE OR IN PART FOR A PERIOD OF 25 YEARS  
21 BEGINNING ON THE DATE OF PURCHASE OF THE EASEMENT.

22 (3) UNLESS OTHERWISE AUTHORIZED IN ACCORDANCE WITH  
23 SUBSECTION (I), IF THE LAND SUBJECT TO THE AGRICULTURAL  
24 CONSERVATION EASEMENT IS NO LONGER VIABLE AGRICULTURAL LAND,  
25 THE COMMONWEALTH, SUBJECT TO THE APPROVAL OF THE STATE BOARD,  
26 AND THE COUNTY, SUBJECT TO THE APPROVAL OF THE COUNTY BOARD,  
27 MAY SELL, CONVEY, EXTINGUISH, LEASE, ENCUMBER OR RESTRICT AN  
28 AGRICULTURAL CONSERVATION EASEMENT TO THE CURRENT OWNER OF  
29 RECORD OF THE FARMLAND SUBJECT TO THE EASEMENT AFTER THE  
30 EXPIRATION OF 25 YEARS FROM THE DATE OF PURCHASE OF THE

1 EASEMENT FOR A PURCHASE PRICE EQUAL TO THE VALUE AT THE TIME  
2 OF RESALE DETERMINED PURSUANT TO SUBSECTION (F) AT THE TIME  
3 OF CONVEYANCE. A CONVEYANCE BY THE COMMONWEALTH PURSUANT TO  
4 THIS SUBSECTION SHALL NOT BE SUBJECT TO THE REQUIREMENTS OF  
5 ARTICLE XXIV-A OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175),  
6 KNOWN AS "THE ADMINISTRATIVE CODE OF 1929." THE PURCHASE  
7 PRICE SHALL BE PAYABLE TO THE COMMONWEALTH AND THE COUNTY AS  
8 THEIR RESPECTIVE LEGAL INTERESTS IN THE AGRICULTURAL  
9 CONSERVATION EASEMENT APPEAR, AND A SEPARATE PAYMENT SHALL BE  
10 MADE TO THE COMMONWEALTH AND THE COUNTY ACCORDINGLY AT THE  
11 TIME OF SETTLEMENT. ANY PAYMENT RECEIVED BY THE COMMONWEALTH  
12 PURSUANT TO THIS PROVISION SHALL BE PAID INTO THE FUND.]

13 \* \* \*

14 (6) AN AGRICULTURAL CONSERVATION EASEMENT SHALL NOT  
15 PREVENT:

16 (I) THE GRANTING OF LEASES, ASSIGNMENTS OR OTHER  
17 CONVEYANCES OR THE ISSUING OF PERMITS, LICENSES OR OTHER  
18 AUTHORIZATION FOR THE EXPLORATION, DEVELOPMENT, STORAGE  
19 OR REMOVAL OF COAL OR NONCOAL MINERALS BY UNDERGROUND  
20 MINING METHODS, OIL AND GAS BY THE OWNER OF THE SUBJECT  
21 LAND OR THE OWNER OF THE UNDERLYING COAL OR NONCOAL  
22 MINERALS BY UNDERGROUND MINING METHODS, OIL AND GAS OR  
23 THE OWNER OF THE RIGHTS TO DEVELOP THE UNDERLYING COAL OR  
24 NONCOAL MINERALS BY UNDERGROUND MINING METHODS, OIL AND  
25 GAS, OR THE DEVELOPMENT OF APPURTENANT FACILITIES RELATED  
26 TO THE REMOVAL OF COAL OR NONCOAL MINERALS BY UNDERGROUND  
27 MINING METHODS, OIL OR GAS DEVELOPMENT OR ACTIVITIES  
28 INCIDENT TO THE REMOVAL OR DEVELOPMENT OF SUCH MINERALS.

29 (II) THE GRANTING OF RIGHTS-OF-WAY BY THE OWNER OF  
30 THE SUBJECT LAND IN AND THROUGH THE LAND FOR THE

1           INSTALLATION OF, TRANSPORTATION OF, OR USE OF WATER,  
2           SEWAGE, ELECTRIC, TELEPHONE, COAL OR NONCOAL MINERALS BY  
3           UNDERGROUND MINING METHODS, GAS, OIL OR OIL PRODUCTS  
4           LINES.

5           (III) CONSTRUCTION AND USE OF STRUCTURES ON THE  
6           SUBJECT LAND NECESSARY FOR AGRICULTURAL PRODUCTION OR A  
7           COMMERCIAL EQUINE ACTIVITY.

8           (IV) CONSTRUCTION AND USE OF STRUCTURES ON THE  
9           SUBJECT LAND FOR THE LANDOWNER'S PRINCIPAL RESIDENCE OR  
10          FOR THE PURPOSE OF PROVIDING NECESSARY HOUSING FOR  
11          SEASONAL OR FULL-TIME EMPLOYEES: PROVIDED, THAT ONLY ONE  
12          SUCH STRUCTURE MAY BE CONSTRUCTED ON NO MORE THAN TWO  
13          ACRES OF THE SUBJECT LAND DURING THE TERM OF THE  
14          AGRICULTURAL CONSERVATION EASEMENT.

15          (V) CUSTOMARY PART-TIME OR OFF-SEASON MINOR OR RURAL  
16          ENTERPRISES AND ACTIVITIES WHICH ARE PROVIDED FOR IN THE  
17          COUNTY AGRICULTURAL CONSERVATION EASEMENT PURCHASE  
18          PROGRAM APPROVED BY THE STATE BOARD UNDER SUBSECTION (D).

19          (VI) COMMERCIAL EQUINE ACTIVITY ON THE SUBJECT LAND.

20          \* \* \*

21          Section ~~2~~ 3. The definition of "contiguous acreage" in 7 Pa.     ←  
22          Code § 138e.3 (relating to definitions) is abrogated.

23          Section ~~3~~ 4. This act shall take effect ~~immediately~~. AS     ←  
24          FOLLOWS:

25                  (1) THE AMENDMENT OF SECTION 14.1(C) (2) AND (3) OF THE  
26                  ACT SHALL TAKE EFFECT IN 60 DAYS.

27                  (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
28                  IMMEDIATELY.