

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 143

Session of 1981

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AS RE-REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 4, 1981

AN ACT

1 Authorizing the creation of agricultural areas.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the "Agricultural
9 Area Security Law."

10 Section 2. Statement of legislative findings.

11 It is the declared policy of the Commonwealth to conserve and
12 protect and to encourage the development and improvement of its
13 agricultural lands for the production of food and other
14 agricultural products. It is also the declared policy of the
15 Commonwealth to conserve and protect agricultural lands as
16 valued natural and ecological resources which provide needed
17 open spaces for clean air, as well as for aesthetic purposes.

18 Article VIII, section 2 of the Constitution of Pennsylvania
19 provides that the General Assembly may, by law, establish
20 standards and qualifications for agricultural reserves.

21 Agriculture in many parts of the Commonwealth is under urban
22 pressure from expanding metropolitan areas. This urban pressure
23 takes the form of scattered development in wide belts around
24 urban areas, and brings conflicting land uses into
25 juxtaposition, creates high costs for public services, and
26 stimulates land speculation. When this scattered development
27 extends into good farm areas, ordinances inhibiting farming tend
28 to follow, farm taxes rise, and hopes for speculative gains
29 discourage investments in farm improvements. Many of the
30 agricultural lands in the Commonwealth are in jeopardy of being

1 lost for any agricultural purposes. Certain of these lands
2 constitute unique and irreplaceable land resources of Statewide
3 importance. It is the purpose of this act to provide a means by
4 which agricultural land may be protected and enhanced as a
5 viable segment of the Commonwealth's economy and as an economic
6 and environmental resource of major importance.

7 Section 3. Definitions.

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

11 "Advisory committee." An Agricultural Area Advisory
12 Committee.

13 "Agricultural area." A unit of 500 or more acres of land
14 used for the agricultural production of crops, livestock and
15 livestock products under the ownership of one or more persons.

16 "Agricultural production." The production for commercial
17 purposes of crops, livestock and livestock products, but not
18 land or portions thereof used for processing or retail
19 merchandising of such crops, livestock or livestock products.

20 "BOARD." THE AGRICULTURAL LANDS CONDEMNATION APPROVAL BOARD. <—

21 "County governing body." The county board of commissioners
22 or other designated council of representatives under home rule
23 charters.

24 "Crops, livestock and livestock products." Include but are
25 not limited to:

26 (1) Field crops, including corn, wheat, oats, rye,
27 barley, hay, potatoes and dry beans.

28 (2) Fruits, including apples, peaches, grapes, cherries
29 and berries.

30 (3) Vegetables, including tomatoes, snap beans, cabbage,

1 carrots, beets, onions and mushrooms.

2 (4) Horticultural specialties, including nursery stock
3 ornamental shrubs, ornamental trees and flowers.

4 (5) Livestock and livestock products, including cattle,
5 sheep, hogs, goats, horses, poultry, furbearing animals,
6 milk, eggs and furs.

7 (6) Timber, wood and other wood products derived from
8 trees.

9 "Development easement." An interest in land, less than fee
10 simple title, which interest represents the INCHOATE right to <—
11 develop such lands for residential, commercial, recreational or
12 industrial uses. THIS RIGHT SHALL BECOME ABSOLUTE WHEN THE OWNER <—
13 OF A DEVELOPMENT EASEMENT EITHER OWNS THE LAND TO WHICH THE
14 EASEMENT BELONGS OR HAS A WRITTEN AGREEMENT WITH THE OWNER OF
15 THE LAND TO USE THE DEVELOPMENT EASEMENT ON THE LAND: PROVIDED,
16 HOWEVER, THAT THE USE OF THE DEVELOPMENT EASEMENT IS IN
17 COMPLIANCE WITH ALL LOCAL ZONING ORDINANCES.

18 "Governing body." The governing body of a local government
19 unit.

20 "Local government unit." Any city, borough, township or
21 town.

22 "Normal farming operations." The customary and generally
23 accepted activities, practices, and procedures that farmers
24 adopt, use, or engage in year after year in the production and
25 preparation for market of poultry, livestock, and their products
26 and in the production and harvesting of agricultural, agronomic,
27 horticultural, silvicultural, and aquicultural crops and
28 commodities.

29 "Planning commission." A local government planning
30 commission.

1 "Viable agricultural land." Land suitable for agricultural
2 production and which will continue to be economically feasible
3 for such use if real estate taxes, farm use restrictions, and
4 speculative activities are limited to levels approximating those
5 in commercial agricultural areas not influenced by the proximity
6 of urban and related nonagricultural development.

7 Section 4. Agricultural Area Advisory Committee.

8 The governing body of any local government may establish an
9 Agricultural Area Advisory Committee which shall consist of
10 three active farmers, EACH REPRESENTING A DIFFERENT PRIVATE OR <—
11 CORPORATE FARM, and one citizen residing within the unit of
12 local government and one member of the governing body of such
13 local government, who shall serve as the chairman of the
14 committee. Such a committee shall be established when a ~~petition~~ <—
15 PROPOSAL is received by the governing body for the creation of <—
16 an agricultural area. Pursuant to this act the members of such
17 committee shall be appointed by and shall serve at the pleasure
18 of the chairman of the governing body. The members shall serve
19 without salary, but the governing body may entitle each such
20 member to reimbursement for his actual and necessary expenses
21 incurred in the performance of his official duties. Such
22 committee shall advise the governing body and work with the
23 planning commission in relation to the proposed establishment,
24 modification, and termination of agricultural areas. In
25 particular, the committee shall render expert advice relating to
26 the desirability of such action, including advice as to the
27 nature of farming and farm resources within the proposed area
28 and the relation of farming in such area to the local government
29 unit as a whole.

30 Section 5. Agricultural areas.

1 (a) Proposals for creation.--Any owner or owners of land may
2 submit a proposal to the governing body for the creation of an
3 agricultural area within such local government unit, provided
4 that such owner or owners own at least 500 acres ~~or~~ OF viable <—
5 agricultural land proposed to be included in the area. The
6 proposed area may also consist of two or more noncontiguous
7 parcels or areas: PROVIDED, HOWEVER, THAT THE GOVERNING BODY MAY <—
8 LIMIT THE MINIMUM ACREAGE REQUIREMENTS IN NONCONTIGUOUS PARCELS
9 IN AN AGRICULTURAL AREA: AND, PROVIDED FURTHER, THAT NO MINIMUM
10 ACREAGE REQUIREMENT SHALL BE MORE THAN 50 ACRES. Such proposal
11 shall be submitted in such manner and form as may be prescribed
12 by the governing body of the local government unit wherein the
13 proposed area is situated and shall include a description of the
14 proposed area, including the boundaries thereof. If the proposed
15 area is situated in more than one local government unit, the
16 proposal shall be submitted to the governing bodies of all local
17 government units affected.

18 (b) Notice.--Upon the receipt of such a proposal, the
19 governing body shall thereupon provide notice of such proposal
20 by publishing a notice in a newspaper having general circulation
21 within the proposed area and by posting such notice in five
22 conspicuous places within, adjacent or near to the proposed
23 area. The notice shall contain the following information:

24 (1) A statement that a proposal for an agricultural area
25 has been filed with the governing body pursuant to this act.

26 (2) A statement that the proposal will be on file open
27 to public inspection in the office of the local government
28 unit.

29 (3) A statement that any municipality whose territory
30 encompasses the proposed area, or any landowner who owns the

1 land proposed to be included within the proposed area, or any
2 landowner with lands adjacent or near to the proposed area
3 who wishes such lands to be included or not included therein,
4 may propose modifications of the proposed area in such form
5 and manner as may be prescribed by the governing body.

6 (4) A statement that any proposed modification must be
7 filed with the governing body and the planning commission
8 within 30 days after the publication of such notice.

9 (5) A statement that at the termination of the 30-day
10 period, the proposal and proposed modifications will be
11 submitted to the planning commission and the advisory
12 committee, and that thereafter a public hearing will be held
13 on the proposal, proposed modifications and recommendations
14 of the planning commission and advisory committee.

15 (c) Modification proposals.--The governing body shall
16 receive any proposals for modifications of such proposal which
17 may be submitted by such landowners or municipalities within 30
18 days after the publication of such notice.

19 (d) Report by planning commission.--The governing body
20 shall, upon the termination of such 30-day period, refer such
21 proposal and proposed modifications to the planning commission,
22 which shall, within 45 days, report to the governing body the
23 potential effect of such proposal and proposed modifications
24 upon the local government's planning policies and objectives.

25 (e) Referral to advisory committee.--The governing body
26 shall also, upon the termination of such 30-day period, refer
27 such proposal and proposed modifications to the Agricultural
28 Area Advisory Committee, which shall, within 45 days report to
29 the governing body its recommendations concerning the proposal
30 and proposed modifications.

1 Section 6. Public hearings.

2 (a) Hearings.--The governing body, shall upon receipt of the
3 reports from the advisory committee and the planning commission,
4 hold a public hearing relative to the proposed agricultural
5 area.

6 (b) Place of hearing.--The hearing shall be held at a place
7 within the proposed area or otherwise readily accessible to the
8 proposed area.

9 (c) Notice of hearing.--A hearing notice shall be published
10 in a newspaper having a general circulation within the proposed
11 area and shall be given in writing to those municipalities whose
12 territory encompasses the proposed area and any proposed
13 modifications and to those landowners who proposed modifications
14 pursuant to section 5(c), and by posting such notice in five
15 conspicuous places within, adjacent or near to the proposed
16 area. Such notice shall contain the following information:

17 (1) A statement of the time, date and place of the
18 public hearing.

19 (2) A description of the proposed area, any proposed
20 additions or deletions and any recommendations of the
21 planning commission or advisory committee.

22 (3) A statement that the public hearing will be held
23 concerning:

24 (i) The original proposal.

25 (ii) Any written amendments proposed during the 30-
26 day review period.

27 (iii) Any recommendations proposed by the
28 Agricultural Area Advisory Committee and the planning
29 commission.

30 Section 7. Evaluation criteria.

1 (a) Factors to be considered.--The following factors shall
2 be considered by the planning commission, advisory committee,
3 and at any public hearing:

4 (1) The viability of active farming within the proposed
5 area and in areas near or adjacent thereto.

6 (2) The presence of any viable farm lands within the
7 proposed area and adjacent thereto that are not now in active
8 farming.

9 (3) The nature and extent of land uses other than active
10 farming within the proposed area and near or adjacent
11 thereto.

12 (4) Local government unit developmental patterns and
13 needs.

14 (5) The local government unit's comprehensive plan.

15 (6) Any other matter which may be relevant.

16 (b) Other factors.--In judging viability the following
17 factors shall be considered:

18 (1) Soil.

19 (2) Climate.

20 (3) Topography.

21 (4) Markets for farm products.

22 (5) The extent and nature of farm improvements.

23 (6) The present status of farming.

24 (7) Anticipated trends in agricultural economic
25 conditions and technology.

26 (8) Any other natural or economic factors as may be
27 relevant.

28 (c) Resource materials.--In considering the viability
29 factors as set forth in this section, various resource materials
30 shall be used, including, but not limited to, the following:

1 (1) Soil surveys of the Pennsylvania State University.

2 (2) Soil surveys and other information provided by the
3 National Cooperative Soil Survey.

4 (3) Soil survey maps prepared by the United States Soil
5 Conservation Service.

6 (4) The United States census of agricultural categories
7 of land use classes.

8 (5) Agricultural viability maps prepared by the
9 Department of Agriculture.

10 (6) Any other relevant published data, maps, charts, or
11 results of soil or land use surveys made by any State or
12 Federal agency.

13 Section 8. Decision on proposed area.

14 (a) Action by governing body.--The governing body, after
15 receiving the reports of the planning commission and the
16 advisory committee, and after such public hearing, may adopt the
17 proposal or any modification of the proposal they deem
18 appropriate, including the inclusion, to the extent feasible, of
19 adjacent viable farm lands, and, the exclusion, to the extent
20 feasible, of nonviable farm land and nonfarm land. The existence
21 of utility facilities on the proposed area shall not prevent the
22 designation of the area as "agricultural" nor shall the rights
23 of utilities with respect to the existing facilities be
24 disturbed or affected by such designation. The governing body
25 shall act to adopt or reject the proposal, or any modification
26 of it, no later than 180 days from the date the proposal was
27 originally submitted.

28 (b) Effective date of creation of area.--The proposed area,
29 shall become effective upon the adoption of same by the
30 governing body.

1 (c) Filing of area description.--Upon the creation of an
2 agricultural area, a description thereof shall be filed by the
3 governing body with the recorder of deeds and with the planning
4 commission.

5 (d) Participation.--Participation in the agricultural area
6 shall be available at its creation to landowners within the
7 jurisdiction of the governing body including those not among the
8 original petitioners on a voluntary basis. The addition or
9 deletion of land in the agricultural area shall only occur after
10 seven years or whenever the agricultural area is subject to
11 review by the local governing body.

12 Section 9. Review of area.

13 (a) Review by governing body.--The governing body shall
14 review any area created under this section seven years after the
15 date of its creation and every seven years thereafter. In
16 conducting such review, the governing body shall ask for the
17 recommendations of the planning commission, the county planning
18 commission and the advisory committee, and shall, at least 120
19 days prior to the end of the seventh year and not more than 180
20 days prior to such date, hold a public hearing at a place within
21 the area or otherwise readily accessible to the area upon notice
22 in a newspaper having a general circulation within the area by
23 posting in five conspicuous places within, adjacent or near the
24 area and by individual notice, in writing, to those
25 municipalities whose territories encompass the area and the
26 person owning land within the area. The governing body after
27 receiving the reports of the planning commission, the county
28 planning commission and the advisory committee and after the
29 public hearing, may terminate the area at the end of such seven-
30 year period by filing a notice of termination with the recorder

1 of deeds and with the planning commission or may modify the area
2 in the same manner as is provided in this act for the creation
3 of areas. If the governing body does not act, or if a
4 modification of an area is rejected, the area shall continue as
5 originally constituted.

6 (b) Landowner withdrawal.--Landowners who wish their land to
7 be withdrawn or included in the agricultural area shall notify
8 the local governing unit of their intent at least 120 days
9 before the end of the seventh year.

10 Section 10. Appeals.

11 Any party in interest aggrieved by a decision or action of
12 the governing body relating to the creation, composition,
13 modification, rejection or termination of an agricultural area
14 may take an appeal to the court of common pleas, in the manner
15 provided by law within 30 days after such decision or action.

16 Section 11. Limitation on local regulations.

17 (a) General rule.--Every municipality or political
18 subdivision creating an agricultural area shall encourage the
19 continuity, development and viability of agriculture within such
20 an area by not enacting local laws or ordinances within such an
21 area in a manner which would unreasonably restrict farm
22 structures or farm practices in contravention of the purposes of
23 this act unless such restrictions or regulations bear a direct
24 relationship to the public health or safety.

25 (b) Public nuisance.--Any municipal or political subdivision
26 law or ordinance defining or prohibiting a public nuisance shall
27 exclude from the definition of such nuisance any agricultural
28 activity or operation conducted using normal farming operations
29 within an agricultural area as permitted by this act if such
30 agricultural activity or operation does not bear a direct

1 relationship to the public health and safety.

2 Section 12. Policy of Commonwealth agencies.

3 It shall be the policy of all Commonwealth agencies to
4 encourage the maintenance of viable farming in agricultural
5 areas and their administrative regulations and procedures shall
6 be modified to this end insofar as is consistent with the
7 promotion of public health and safety, with the provisions of
8 any Federal statutes, standards, criteria, rules, regulations,
9 or policies, and any other requirements of Federal agencies,
10 including provisions applicable only to obtaining Federal
11 grants, loans, or other funding.

12 Section 13. Limitation on exercise of eminent domain.

13 (a) Approval required for condemnation by an agency of the
14 Commonwealth.--No agency of the Commonwealth having or
15 exercising powers of eminent domain shall condemn FOR ANY <—
16 PURPOSE any land within any agricultural area ~~for any purpose~~ <—
17 WHICH LAND IS BEING USED FOR PRODUCTIVE AGRICULTURAL PURPOSES <—
18 (NOT INCLUDING THE GROWING OF TIMBER) unless prior approval has
19 been obtained IN ACCORDANCE WITH THE CRITERIA AND PROCEDURES <—
20 ESTABLISHED IN THIS SECTION from the Agricultural Lands
21 Condemnation Approval Board as established in section 306 of the
22 act of April 9, 1929 (P.L.177, No.175), known as "The
23 Administrative Code of 1929." The condemnation approval
24 specified by this subsection shall not be required for an
25 underground public utility facility OR for any facility of an <—
26 electric cooperative corporation or for any public utility
27 facility the necessity for and the propriety and environmental
28 effects of which has been reviewed and ratified or approved by
29 the Pennsylvania Public Utility Commission or the Federal Energy
30 Regulatory Commission.

1 (b) Approval required for condemnation by a political
2 subdivision, authority, public utility or other body.--No
3 political subdivision, authority, public utility or other body
4 having or exercising powers of eminent domain shall condemn any
5 land within any agricultural area for any purpose, unless prior
6 approval has been obtained from Agricultural Lands Condemnation
7 Approval Board and from each of the following bodies: the
8 governing bodies of the municipalities encompassing the
9 agricultural area, the county commissioners, and the
10 Agricultural Area Advisory Committee. REVIEW BY THE BOARD AND <—
11 THE OTHER INDICATED BODIES SHALL BE IN ACCORDANCE WITH THE
12 CRITERIA AND PROCEDURES ESTABLISHED IN THIS SECTION. The
13 condemnation approvals specified by this subsection shall not be
14 required for an underground public utility facility OR for any <—
15 facility of an electric cooperative corporation or for any
16 public utility facility the necessity for and the propriety and
17 environmental effects of which has been reviewed and ratified or
18 approved by the Pennsylvania Public Utility Commission or the
19 Federal Energy Regulatory Commission, regardless of whether the
20 right to establish and maintain such underground or other public
21 utility facility is obtained by condemnation, or by agreement
22 with the owner.

23 (c) Notice.--Any condemnor wishing to condemn property the
24 approval for which is required under this section shall at least
25 30 days prior to taking such action notify each of the foregoing
26 bodies that such action is contemplated, and no such
27 condemnation shall be effective until ~~90~~ 60 days following the <—
28 receipt of such notice.

29 (d) Review by Agricultural Lands Condemnation Approval Board
30 AND OTHER BODIES.-- <—

1 (1) Upon receipt of such notice the board provided for
2 in subsection (a) or the bodies provided for in subsection
3 (b) jointly or separately shall review the proposed
4 condemnation ~~to determine its effect upon the preservation~~ ←
5 ~~and enhancement of agriculture and agricultural resources~~
6 ~~within the area and upon Commonwealth, county and municipal~~
7 ~~environmental and comprehensive plans, policies and~~
8 ~~objectives.~~ IN ACCORDANCE WITH THE APPLICABLE CRITERIA ←
9 ESTABLISHED IN PARAGRAPH (2).

10 (2) (I) IN THE CASE OF CONDEMNATION FOR HIGHWAY
11 PURPOSES (BUT NOT INCLUDING ACTIVITIES RELATING TO
12 EXISTING HIGHWAYS SUCH AS, BUT NOT LIMITED TO, WIDENING
13 ROADWAYS, THE ELIMINATION OF CURVES OR RECONSTRUCTION,
14 FOR WHICH NO APPROVAL IS REQUIRED) AND IN THE CASE OF
15 CONDEMNATION FOR THE DISPOSAL OF SOLID OR LIQUID WASTE
16 MATERIAL, THE BOARD OR OTHER APPROPRIATE REVIEWING BODY
17 SHALL APPROVE THE PROPOSED CONDEMNATION ONLY IF IT
18 DETERMINES THERE IS NO REASONABLE AND PRUDENT ALTERNATIVE
19 TO THE UTILIZATION OF THE LAND WITHIN THE AGRICULTURAL
20 AREA FOR THE PROJECT.

21 (II) IN ALL OTHER CASES NOT OTHERWISE SPECIFICALLY
22 PROVIDED FOR, THE BOARD OR OTHER APPROPRIATE REVIEWING
23 BODY SHALL APPROVE THE PROPOSED CONDEMNATION ONLY IF IT
24 DETERMINES THAT:

25 (A) THE PROPOSED CONDEMNATION WOULD NOT HAVE AN
26 UNREASONABLY ADVERSE AFFECT UPON THE PRESERVATION AND
27 ENHANCEMENT OF AGRICULTURE OR MUNICIPAL RESOURCES
28 WITHIN THE AREA OR UPON THE ENVIRONMENTAL AND
29 COMPREHENSIVE PLANS OF THE COUNTY, MUNICIPALITY AND
30 THE COMMONWEALTH, OR UPON THE GOALS, RESOURCE PLANS,

1 POLICIES OR OBJECTIVES THEREOF; OR

2 (B) THERE IS NO REASONABLE AND PRUDENT
3 ALTERNATIVE TO THE UTILIZATION OF THE LANDS WITHIN
4 THE AGRICULTURAL AREA FOR THE PROJECT.

5 (e) Public hearings.--Within such ~~90-day~~ 60-DAY period the <—
6 Agricultural Lands Condemnation Board AND OTHER INDICATED <—
7 BODIES, AS APPROPRIATE, shall hold a public hearing concerning
8 the proposed condemnation at a place within or otherwise readily
9 accessible to the area. Timely notice of such hearing shall be
10 placed in a newspaper having a general circulation within the
11 area and a written notice shall be posted at five conspicuous
12 places within or adjacent to the area. Individual written notice
13 shall also be given to all municipalities encompassing all or
14 part of the area, to the proposed condemnor, and to the owners
15 of the land proposed to be condemned.

16 (f) Findings and decisions.--The Agricultural Lands
17 Condemnation Approval Board AND OTHER INDICATED BODIES, AS <—
18 APPROPRIATE, shall render findings and decisions on or before
19 the expiration of such ~~90-day~~ 60-DAY period and likewise within <—
20 such period shall report the same to the proposed condemnor, the
21 municipalities affected and any party who shall file an
22 appearance at such hearing. ~~If the Agricultural Lands <—
23 Condemnation Approval Board finds that such proposed
24 condemnation might have an unreasonably adverse effect upon the
25 preservation and enhancement of agriculture or municipal
26 resources within the area or upon the environmental and
27 comprehensive plans of the county, municipality and the
28 Commonwealth or upon the goals, resources plans, policies or
29 objectives thereof, or that in any event there is a reasonable
30 or prudent alternative to such condemnation, the Agricultural~~

1 ~~Lands Condemnation Approval Board shall refuse approval for such~~
2 ~~condemnation.~~ IF THE BOARD OR ANY OTHER INDICATED BODY FAILS TO ←
3 ACT WITHIN THE 60-DAY PERIOD, THE CONDEMNATION SHALL BE DEEMED
4 APPROVED.

5 (g) Injunctions.--The Agricultural Lands Condemnation
6 Approval Board may request the Attorney General or the bodies
7 may request their solicitor to bring an action to enjoin any
8 such condemnor from violating any of the provisions of this
9 section.

10 (h) Emergencies excepted.--This section shall not apply to
11 any emergency project which is immediately necessary for the
12 protection of life or property.

13 Section 14. Purchase of development easement in agricultural
14 areas.

15 (a) Program to purchase easements.--After the establishment
16 of an agricultural area by the governing body, the county
17 governing body may authorize a program to purchase the
18 development easements for land within an agricultural area. The
19 program shall be administered by the county planning commission
20 and a farmer member from each Agricultural Area Advisory
21 Committee within the county.

22 (b) Funds for purchases.--The county governing body may use
23 moneys from its general fund and/or incur debt to make available
24 moneys to purchase the development easements in agricultural
25 areas. The incurring of debt by the county governing body shall
26 be consistent with all present laws and procedures imposed on
27 counties for such action.

28 (c) Offers.--Agents, employees or officials of the county
29 planning commission shall be responsible to make such offers and
30 to enter into such negotiations as are necessary with any owner

1 of lands in an agricultural area, in order to purchase any
2 development easements. Nothing in this act shall be construed as
3 to require any owner of land in an agricultural area to sell or
4 transfer any development easements thereto. An owner may reject
5 any offer by any official of the county planning commission to
6 purchase any development easements. The price for the purchase
7 of development easements shall be mutually agreed to by the
8 owner of the land affected and the county governing body. All
9 such contracts for purchase shall be in writing.

10 (d) Sale of land.--A county governing body may sell any
11 ~~development easements it has acquired under this act:~~ Provided <—
12 OF ITS ACQUIRED DEVELOPMENT EASEMENTS AS THOSE EASEMENTS ARE <—
13 DEFINED UNDER THIS ACT: PROVIDED, That the local governing body,
14 which has jurisdiction over the effected land, approves the sale
15 by a majority vote of its members: And, further provided, That
16 the present owner of the land affected has refused to purchase
17 such development easement.

18 Section 15. Rules and regulations.

19 The Secretary of the Department of Agriculture shall
20 promulgate rules and regulations necessary to promote the
21 efficient, uniform and Statewide administration of the act.

22 Section 16. Effective date.

23 This act shall take effect in 60 days.