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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 458 Session of  
2015

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INTRODUCED BY ROSS, FREEMAN, LONGIETTI, JAMES, McNEILL, BLOOM,  
MILLARD, MENTZER, HARHAI, LAWRENCE, MURT, COHEN, PEIFER,  
WATSON AND GILLEN, FEBRUARY 12, 2015

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
FEBRUARY 12, 2015

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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 purchase of agricultural conservation  
4 easements.

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

7 Section 1. Section 14.1(c) of the act of June 30, 1981  
8 (P.L.128, No.43), known as the Agricultural Area Security Law,  
9 amended, November 23, 1994 (P.L.621, No.96), December 21, 1998  
10 (P.L.1056, No.138) and July 7, 2011 (P.L.247, No.44), is amended  
11 to read:

12 Section 14.1. Purchase of agricultural conservation easements.

13 \* \* \*

14 (c) Restrictions and limitations.--An agricultural  
15 conservation easement shall be subject to the following terms,  
16 conditions, restrictions and limitations:

17 (1) The term of an agricultural conservation easement  
18 shall be perpetual.

1           (4) Instruments and documents for the purchase, sale and  
2 conveyance of agricultural conservation easements shall be  
3 approved by the State board or the county board, as the case  
4 may be, prior to execution and delivery. Proper releases from  
5 mortgage holders and lienholders must be obtained and  
6 executed to insure that all agricultural conservation  
7 easements are purchased free and clear of all encumbrances.

8           (5) Whenever any public entity, authority or political  
9 subdivision exercises the power of eminent domain and  
10 condemns land subject to an agricultural conservation  
11 easement, the condemnor shall provide just compensation to  
12 the owner of the land in fee and to the owner of the easement  
13 as follows:

14           (i) The owner of the land in fee shall be paid the  
15 full value which would have been payable to the owner but  
16 for the existence of an agricultural conservation  
17 easement less the value of the agricultural conservation  
18 easement at the time of condemnation.

19           (ii) The owner of the easement shall be paid the  
20 value of the easement at the time of condemnation.

21           (iii) For easements owned jointly by the  
22 Commonwealth and an eligible county, if the eligible  
23 county commits its share of funds received under this  
24 paragraph toward the purchase of agricultural  
25 conservation easements, the condemnor shall provide the  
26 Commonwealth's share of funds to the eligible county for  
27 use in purchasing agricultural conservation easements in  
28 accordance with this act.

29           (iv) For easements owned by the Commonwealth, the  
30 condemnor shall provide the Commonwealth's share of funds

1 received under this paragraph to the eligible county for  
2 use in purchasing agricultural conservation easements in  
3 accordance with this act.

4 (v) Funds received by an eligible county under this  
5 paragraph shall not be considered matching funds under  
6 subsection (h).

7 (vi) If an eligible county which receives funds  
8 under this paragraph fails to spend the Commonwealth's  
9 share of funds within two years of receipt of the funds,  
10 the eligible county shall pay the Commonwealth the  
11 Commonwealth's share of funds received under this  
12 paragraph plus 6% simple interest. These funds shall be  
13 deposited into the Agricultural Conservation Easement  
14 Purchase Fund.

15 (6) An agricultural conservation easement shall not  
16 prevent:

17 (i) The granting of leases, assignments or other  
18 conveyances or the issuing of permits, licenses or other  
19 authorization for the exploration, development, storage  
20 or removal of coal or noncoal minerals by underground  
21 mining methods, oil and gas by the owner of the subject  
22 land or the owner of the underlying coal or noncoal  
23 minerals by underground mining methods, oil and gas or  
24 the owner of the rights to develop the underlying coal or  
25 noncoal minerals by underground mining methods, oil and  
26 gas, or the development of appurtenant facilities related  
27 to the removal of coal or noncoal minerals by underground  
28 mining methods, oil or gas development or activities  
29 incident to the removal or development of such minerals.

30 (ii) The granting of rights-of-way by the owner of

1 the subject land in and through the land for trails for  
2 nonmotorized use in accordance with paragraphs (9) and  
3 (10) or for the installation of, transportation of, or  
4 use of water, sewage, electric, telephone, coal or  
5 noncoal minerals by underground mining methods, gas, oil  
6 or oil products lines.

7 (iii) Construction and use of structures on the  
8 subject land necessary for agricultural production or a  
9 commercial equine activity.

10 (iv) Construction and use of structures on the  
11 subject land for the landowner's principal residence or  
12 for the purpose of providing necessary housing for  
13 seasonal or full-time employees: Provided, That only one  
14 such structure may be constructed on no more than two  
15 acres of the subject land during the term of the  
16 agricultural conservation easement.

17 (v) Customary part-time or off-season minor or rural  
18 enterprises and activities which are provided for in the  
19 county Agricultural Conservation Easement Purchase  
20 Program approved by the State board under subsection (d).

21 (vi) Commercial equine activity on the subject land.

22 (7) Land subject to an agricultural conservation  
23 easement shall not be subdivided for any purpose which may  
24 harm the economic viability of the farmland for agricultural  
25 production. Land may be subdivided prior to the granting of  
26 an agricultural conservation easement, provided that  
27 subdividing will not harm the economic viability for  
28 agricultural production of the land subject to the easement.

29 (8) Nothing in this act shall prohibit a member of the  
30 State board or county board or his or her family from selling

1 a conservation easement under this program, provided that all  
2 decisions made regarding easement purchases be subject to the  
3 provisions of section 3(j) of the act of October 4, 1978  
4 (P.L.883, No.170), referred to as the Public Official and  
5 Employee Ethics Law.

6 (9) The owner of the land subject to an agricultural  
7 conservation easement may permit or authorize the use of a  
8 portion of the subject land for a trail under the following  
9 conditions:

10 (i) the portion of land does not exceed 20 feet in  
11 width;

12 (ii) the portion of land is used as a trail for  
13 nonmotorized passive recreational use;

14 (iii) the portion of land is available to the public  
15 for use without charge; and

16 (iv) the use of the portion of land as a trail does  
17 not convert land which is devoted primarily to  
18 agricultural production or commercial equine activity.

19 (10) If the owner of land subject to an agricultural  
20 conservation easement permits or authorizes the use of a  
21 portion of the subject land for a trail under paragraph (9),  
22 the owner may enter into an agreement with a local government  
23 unit or an eligible nonprofit entity permitting or  
24 authorizing its use of the portion of land as a trail. The  
25 agreement shall be recorded with the county recorder of  
26 deeds.

27 \* \* \*

28 Section 2. This act shall take effect in 60 days.