
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1232 Session of
2022

INTRODUCED BY MASTRIANO, GEBHARD, SCAVELLO, MENSCH AND STEFANO,
MAY 23, 2022

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, MAY 23, 2022

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 easements
4 and for Agricultural Conservation Easement Purchase Fund.

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

7 Section 1. Section 14.1(d)(1)(v) of the act of June 30, 1981
8 (P.L.128, No.43), known as the Agricultural Area Security Law,
9 is amended and subsection (i) is amended by adding a paragraph
10 to read:

11 Section 14.1. Purchase of agricultural conservation easements.

12 * * *

13 (d) Program approval.--

14 (1) The standards, criteria and requirements established
15 by the State board for State board approval of county
16 programs for purchasing agricultural conservation easements
17 shall include, but not be limited to, the extent to which the
18 county programs consider and address the following:

19 * * *

1 (v) (I) Provisions requiring a farmland tract to be
2 contiguous acreage of at least [50] 25 acres in size
3 unless the tract is at least ten acres in size and is
4 either utilized for a crop unique to the area or is
5 contiguous to property which has a perpetual
6 conservation easement in place held by a "qualified
7 organization" as defined in section 170(h)(3) of the
8 Internal Revenue Code of 1986 (Public Law 99-514, 26
9 U.S.C. § 170(h)(3)).

10 (II) A county may require a farmland tract to be
11 contiguous acreage of at least 35 acres in size
12 unless the tract [is at least ten acres in size and]
13 is [either] utilized for a crop unique to the area, adjacent to the preserved land or is contiguous to a
14 property which has a perpetual conservation easement
15 in place held by a "qualified conservation
16 organization" as defined in section 170(h)(3) of the
17 Internal Revenue Code of 1986. If a county implements
18 the provisions of this subclause, State funds used
19 for the purchase of an agricultural conservation
20 easement less than 50 acres in size may include costs
21 incidental to the purchase and shall not exceed 50%
22 of the purchase price per acre, unless it is at least
23 ten acres in size and is either utilized for a crop
24 unique to the area or is contiguous to a property
25 which has a perpetual conservation easement in place
26 held by a "qualified conservation organization" as
27 defined in section 170(h)(3) of the Internal Revenue
28 Code of 1986. A county program shall require a
29 minimum weighted value of 20% for prioritizing
30

1 applications for agricultural conservation easement
2 purchase when implementing the provisions of
3 paragraph (ii.1).

4 * * *

5 (i) Subdivision of land after easement purchase.--

6 * * *

7 (3) (i) Notwithstanding the provisions of paragraph (1)
8 and subsection (d)(1)(v), a county program shall provide
9 for land subject to an agricultural conservation easement
10 to be subdivided under the following conditions:

11 (A) The tract to be created by subdivision is
12 less than ten acres.

13 (B) The tract created under clause (A) is
14 conveyed or transferred to the owner of a contiguous
15 tract of land subject to an agricultural conservation
16 easement under this act.

17 (C) Deeds of merger are prepared and filed with
18 the recorder of deeds as follows:

19 (I) To add the tract created under clause
20 (A) as a fee simple interest to the parcel of the
21 new owner.

22 (II) To add the tract created under clause
23 (A) to the deed of easement of the new owner.

24 (D) The tract remaining after subdivision under
25 clause (A) meets the provisions of paragraph (1) and
26 subsection (d)(1)(v).

27 (ii) A subdivision under this paragraph shall not be
28 subject to a roll-back tax under the "Pennsylvania
29 Farmland and Forest Land Assessment Act of 1974."

30 * * *

1 Section 2. Section 14.2 of the act is amended by adding a
2 subsection to read:

3 Section 14.2. Agricultural Conservation Easement Purchase Fund.

4 * * *

5 (c) Realty transfer tax funding.--Ten percent of the tax
6 collected by the Commonwealth under section 1102-C of the act of
7 March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of
8 1971," shall be deposited into the fund for the purchase of
9 agricultural conservation easements under section 14.1.

10 Section 3. This act shall take effect in 30 days.