

Section 1. Subclauses (iii) and (iv) of clause (3) of section 7, act of May 26, 1949 (P. L. 1828), known as the "Fiduciaries Investment Act of 1949," are amended to read:

Section 7. Mortgages.—One or more bonds or other obligations secured by one or more mortgages, or in connection with which the obligor gives one or more mortgages to indemnify the insurer of the obligation, shall be an authorized investment if—

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(3) Other Mortgages. At the date of the acquisition or of any extension of the mortgage it shall meet the following requirements:

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(iii) The unpaid principal amount of the obligations shall not exceed [two-thirds] four-fifths of the fair value of the real estate as fixed by two persons familiar with real estate values in the vicinity who shall have actually inspected it and shall so certify in a written appraisal preserved among the records of the fiduciary;

(iv) The principal debt evidenced by the obligations shall be payable in not more than five years after the date of acquisition by the fiduciary, or be amortized within a period of not exceeding [twenty] thirty years from the date of the acquisition in [installments totalling in each year not less than three per centum thereof;] substantially equal payments at successive intervals of not more than one year each and in an amount sufficient to pay the principal debt and interest thereon within the term of the loan;

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APPROVED—The 6th day of January, A. D. 1966.

WILLIAM W. SCRANTON

No. 515

AN ACT

HB 1634

Enabling certain counties of the Commonwealth to covenant with land owners for preservation of land in farm, forest, water supply, or open space uses.

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

Section 1. Definitions.—For the purposes of this act the following definitions shall apply:

(1) "Farm land." Any tract or tracts of land in common ownership of at least fifty acres in area, used for the raising of livestock or the growing of crops.

(2) "Forest land." Any tract or tracts of land in common ownership of at least twenty-five acres in area used for the growing of timber crops.

(3) "Water supply land." Any land used for the protection of watersheds and water supplies, including but not limited to land used for the prevention of floods and soil erosion, for the protection of water quality, and for replenishing surface and ground water supplies.

(4) "Open space land." Any land, including farm, forest and water supply land, the use of which does not exceed, but may be less than, an intensity of three percent site coverage including structures, roads, and paved areas. Open space land includes land the restriction on the use of which could (i) conserve natural or scenic resources, including but not limited to soils, beaches, streams, wetlands, or tidal marshes; (ii) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or other public open spaces; (iii) augment public recreation opportunities; (iv) preserve sites of historic, geologic, or botanic interest; or (v) promote orderly urban or suburban development.

(5) "Municipality." Any city, borough, town or township.

Section 2. Planning Requirements.—No land shall be subject to the provisions of this act unless designated as farm, forest, water supply, or open space land in a plan adopted following a public hearing by the planning commission of the municipality, county or region in which the land is located and unless it is within an area of concentrated population defined by the Federal government as an urban area.

Section 3. Covenant for Farm, Forest, Water Supply or Open Space Uses.—All counties of the first, second, third or fourth class are hereby authorized to enter into covenants with owners of land designated as farm, forest, water supply, or open space land on an adopted municipal, county or regional plan for the purpose of preserving the land in the designated use. Such covenants and extensions thereof shall take effect upon approval of the court of quarter sessions of the county in which such land or the major part thereof lies. The land owner may voluntarily covenant for himself and his successors and assigns in right, title and interest that the land will remain in open space use as designated on the plan for a period of five years commencing with the date of the covenant. The county shall covenant that the real property tax assessment, for a

period of five years commencing with the date of the covenant, will reflect the fair market value of the land as restricted by the covenant.

Section 4. Renewal and Termination of Covenant.—Each year on the anniversary date of entering the covenant, it shall be extended for one year unless:

(1) At least thirty days prior to any anniversary date of entering the covenant the land owner notifies the county that he wishes to terminate the covenant at the expiration of five years from the anniversary date, or

(2) At least thirty days prior to an anniversary date of entering the covenant the county notifies the land owner that it wishes to terminate the covenant at the expiration of five years from the anniversary date, on the sole ground that the plan designating the land as farm, forest, water supply, or open space land has been amended officially so that the designation is no longer in accord with the plan.

Notification of the desire to terminate the covenant shall be by registered mail.

Section 5. County Procedures.—The county governments shall establish procedures governing covenants between land owners and counties for preservation of land in the uses covered by this act.

Section 6. Breach of Covenant by Land Owner.—If the land owner, his successors or assigns, while the covenant is in effect, alters the use of the land to any use other than that designated in the covenant, such alteration shall constitute a breach of the covenant and the land owner at the time of said breach, shall pay to the county, as liquidated damages, the difference between the real property taxes paid and the taxes which would have been payable absent the covenant, plus compound interest at the rate of five percent per year from the date of entering the covenant to the date of its breach or from a date five years prior to the date of its breach whichever period is shorter. Such liquidated damages shall be a lien upon the property collectible in the manner provided by law for the collection of unpaid real property taxes. The acquisition by lease, purchase or eminent domain, and use of rights of way or underground storage rights in such land by a public utility or other body entitled to exercise the power of eminent domain shall not constitute an alteration of use or a breach of covenant.

Section 7. Severability; Inconsistent Laws.—If any section, provision or clause of this act shall be declared invalid or inapplicable to any persons or circumstances such action shall not be construed to affect the rest of the act or circumstances not so affected. All laws or portions

of laws inconsistent with the policy and provisions of this act are hereby repealed to that extent.

Section 8. Effective Date.—This act shall take effect immediately.

APPROVED—The 13th day of January, A. D. 1966.

WILLIAM W. SCRANTON

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No. 516

AN ACT

HB 1656

Amending the act of March 2, 1956 (P. L. 1211), entitled "An act providing for and regulating the licensing and practice of practical nursing; imposing duties on the State Board of Nurse Examiners; and imposing penalties," further regulating the practice of practical nursing, changing educational requirements for licensure and admission to schools of practical nursing and provisions relating to the committee provided for in this act, and imposing penalties.

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

Section 1. Sections 2, 3, 5, 6, 8, 9 and 14, act of March 2, 1956 (P. L. 1211), known as the "Practical Nurse Law," are amended to read:

Section 2. When used in this act the following words and phrases shall have the following meaning, unless the context clearly indicates otherwise.

(1) The "practice of practical nursing" means the performance of [such duties as are required in the physical care of a patient and in carrying out of medical orders as prescribed by a physician licensed to practice in Pennsylvania, requiring an understanding of nursing but not requiring professional nursing service.] selected nursing acts in the care of the ill, injured or infirm under the direction of a licensed professional nurse, a licensed physician or a licensed dentist which do not require the specialized skill, judgment and knowledge required in professional nursing.

(2) "Board" means the State Board of Nurse Examiners.

Section 3. This act confers no authority to practice any profession other than practical nursing.

[This does not prohibit care of the sick so long as the persons rendering the service do not represent or hold themselves out to be licensed practical nurses, or use in connection with their names any designation tending to imply that they are licensed to practice under the provisions