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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 779 Session of  
2003

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INTRODUCED BY WAUGH AND O'PAKE, JUNE 6, 2003

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
NOVEMBER 18, 2004

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AN ACT

1 ~~Making an appropriation from a restricted revenue account within~~ <—  
2 ~~the General Fund to the State Farm Products Show Fund.~~  
3 AMENDING THE ACT OF JUNE 30, 1981 (P.L.128, NO.43), ENTITLED "AN <—  
4 ACT AUTHORIZING THE CREATION OF AGRICULTURAL AREAS," FURTHER  
5 PROVIDING FOR PURCHASE OF AGRICULTURAL CONSERVATION  
6 EASEMENTS; ~~MAKING AN APPROPRIATION;~~ PROVIDING FOR <—  
7 CONSTRUCTION OF ACT; AND ABROGATING A REGULATION.

8 The General Assembly of the Commonwealth of Pennsylvania

9 hereby enacts as follows:

10 ~~Section 1. The sum of \$1,000,000 is hereby appropriated from~~ <—  
11 ~~the Agricultural Farm Operations Account within the General Fund~~  
12 ~~to the State Farm Products Show Fund for salaries, operating~~  
13 ~~expenses and maintenance of the Farm Show Complex for the fiscal~~  
14 ~~year July 1, 2003, to June 30, 2004.~~

15 ~~Section 2. This act shall take effect immediately.~~

16 SECTION 1. SECTION 14.1(D) OF THE ACT OF JUNE 30, 1981 <—  
17 (P.L.128, NO.43), KNOWN AS THE AGRICULTURAL AREA SECURITY LAW,  
18 AMENDED MAY 30, 2001 (P.L.103, NO.14), IS AMENDED TO READ:

1 SECTION 14.1. PURCHASE OF AGRICULTURAL CONSERVATION EASEMENTS.

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3 (D) PROGRAM APPROVAL.--

4 (1) THE STANDARDS, CRITERIA AND REQUIREMENTS ESTABLISHED  
5 BY THE STATE BOARD FOR STATE BOARD APPROVAL OF COUNTY  
6 PROGRAMS FOR PURCHASING AGRICULTURAL CONSERVATION EASEMENTS  
7 SHALL INCLUDE, BUT NOT BE LIMITED TO, THE EXTENT TO WHICH THE  
8 COUNTY PROGRAMS CONSIDER AND ADDRESS THE FOLLOWING:

9 (I) THE QUALITY OF THE FARMLANDS SUBJECT TO THE  
10 PROPOSED EASEMENTS, INCLUDING SOIL CLASSIFICATION AND  
11 SOIL PRODUCTIVITY RATINGS. FARMLAND CONSIDERED SHOULD  
12 INCLUDE SOILS WHICH DO NOT HAVE THE HIGHEST SOIL  
13 CLASSIFICATIONS AND SOIL PRODUCTIVITY RATINGS BUT WHICH  
14 ARE CONDUCIVE TO PRODUCING CROPS UNIQUE TO THE AREA.

15 (II) THE LIKELIHOOD THAT THE FARMLANDS WOULD BE  
16 CONVERTED TO NONAGRICULTURAL USE UNLESS SUBJECT TO AN  
17 AGRICULTURAL CONSERVATION EASEMENT. AREAS IN THE COUNTY  
18 DEVOTED PRIMARILY TO AGRICULTURAL USE WHERE DEVELOPMENT  
19 IS OCCURRING OR IS LIKELY TO OCCUR IN THE NEXT 20 YEARS  
20 SHOULD BE IDENTIFIED. FOR PURPOSES OF CONSIDERING THE  
21 LIKELIHOOD OF CONVERSION, THE EXISTENCE OF A ZONING  
22 CLASSIFICATION OF THE LAND SHALL NOT BE RELEVANT, BUT THE  
23 MARKET FOR NONFARM USE OR DEVELOPMENT OF FARMLANDS SHALL  
24 BE RELEVANT.

25 (II.1) PROXIMITY OF THE FARMLANDS SUBJECT TO  
26 PROPOSED EASEMENTS TO OTHER AGRICULTURAL PARCELS IN THE  
27 COUNTY WHICH ARE SUBJECT TO AGRICULTURAL CONSERVATION  
28 EASEMENTS.

29 (III) THE STEWARDSHIP OF THE LAND AND USE OF  
30 CONSERVATION PRACTICES AND BEST LAND MANAGEMENT

PRACTICES, INCLUDING, BUT NOT LIMITED TO, SOIL EROSION  
AND SEDIMENTATION CONTROL AND NUTRIENT MANAGEMENT.

(IV) FAIR, EQUITABLE, OBJECTIVE AND  
NONDISCRIMINATORY PROCEDURES FOR DETERMINING PURCHASE  
PRIORITIES.

(V) REQUIRE A FARMLAND TRACT TO BE CONTIGUOUS  
ACREAGE OF AT LEAST 50 ACRES IN SIZE UNLESS THE TRACT IS:  
~~AT LEAST 10 ACRES IN SIZE AND IS EITHER UTILIZED FOR A~~  
~~CROP UNIQUE TO THE AREA OR IS CONTIGUOUS TO A PROPERTY~~

(A) AT LEAST TEN ACRES IN SIZE AND IS UTILIZED  
FOR A CROP UNIQUE TO THE AREA;

(B) AT LEAST TEN ACRES IN SIZE AND CONTIGUOUS TO  
A PROPERTY WHICH HAS A PERPETUAL CONSERVATION  
EASEMENT IN PLACE HELD BY A "QUALIFIED CONSERVATION  
ORGANIZATION," AS DEFINED IN SECTION 170(H)(3) OF THE  
INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26  
U.S.C. § 170(H)(3)). A COUNTY MAY (PUBLIC LAW 99-514,  
26 U.S.C. § 170(H)(3)); OR

(C) CONTIGUOUS TO A PROPERTY WHICH HAS THE SAME  
OWNER OF RECORD AND WHICH HAS A PERPETUAL  
AGRICULTURAL CONSERVATION EASEMENT IN PLACE.

(VI) A COUNTY MAY REQUIRE A FARMLAND TRACT TO BE  
CONTIGUOUS ACREAGE OF AT LEAST 25 ACRES IN SIZE UNLESS  
THE TRACT IS AT LEAST TEN LEAST 25 ACRES IN SIZE UNLESS  
THE TRACT IS:

(A) AT LEAST TEN ACRES IN SIZE AND IS EITHER  
UTILIZED FOR A CROP UNIQUE TO THE AREA OR IS  
CONTIGUOUS TO A PROPERTY WHICH HAS A THE AREA;

(B) AT LEAST TEN ACRES IN SIZE AND CONTIGUOUS TO  
A PROPERTY WHICH HAS A PERPETUAL CONSERVATION

1            EASEMENT IN PLACE HELD BY A "QUALIFIED CONSERVATION  
2            ORGANIZATION," AS DEFINED IN SECTION 170(H)(3) OF THE <—  
3            INTERNAL REVENUE CODE OF 1986. SECTION 170(H)(3) OF <—  
4            THE INTERNAL REVENUE CODE OF 1986; OR  
5            (C) CONTIGUOUS TO A PROPERTY WHICH HAS THE SAME  
6            OWNER OF RECORD AND WHICH HAS A PERPETUAL  
7            AGRICULTURAL CONSERVATION EASEMENT IN PLACE.

8            (2) THE STATE BOARD SHALL ACT ON A COUNTY'S PROGRAM FOR  
9            PURCHASING AGRICULTURAL CONSERVATION EASEMENTS WITHIN 60 DAYS  
10           OF ITS RECEIPT, AND SHALL NOTIFY IMMEDIATELY THE COUNTY IN  
11           WRITING OF APPROVAL OR DISAPPROVAL OF ITS PROGRAM IN  
12           ACCORDANCE WITH THE CRITERIA SET FORTH IN THIS SUBSECTION.  
13           FAILURE OF THE STATE BOARD TO ACT ON THE SUBMISSION OF A  
14           COUNTY PROGRAM UNDER THIS PROVISION WITHIN 60 DAYS OF ITS  
15           RECEIPT SHALL BE DEEMED TO CONSTITUTE APPROVAL OF THE COUNTY  
16           PROGRAM BY THE STATE BOARD.

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18           ~~SECTION 2. THE SUM OF \$1,000,000 IS HEREBY APPROPRIATED FROM~~ <—  
19           ~~THE AGRICULTURAL FARM OPERATIONS ACCOUNT WITHIN THE GENERAL FUND~~  
20           ~~TO THE STATE FARM PRODUCTS SHOW FUND FOR SALARIES, OPERATING~~  
21           ~~EXPENSES AND MAINTENANCE OF THE FARM SHOW COMPLEX FOR THE FISCAL~~  
22           ~~YEAR JULY 1, 2003, TO JUNE 30, 2004.~~

23           SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—  
24           SECTION 14.6. CONSTRUCTION.

25           NOTHING IN THIS ACT SHALL BE CONSTRUED TO PROHIBIT THE  
26           COMMONWEALTH AND A COUNTY FROM JOINTLY ACQUIRING, BY DONATION,  
27           AN AGRICULTURAL CONSERVATION EASEMENT.

28           SECTION 2 3. THE AMOUNT TRANSFERRED UNDER SECTION 2012 OF <—  
29           THE ACT OF DECEMBER 23, 2003 (P.L.612, NO.9A), KNOWN AS THE  
30           FIRST SUPPLEMENTAL GENERAL APPROPRIATIONS ACT OF 2003, SHALL BE

1 REPAID TO THE AGRICULTURAL FARM OPERATIONS ACCOUNT WITHIN THE  
2 GENERAL FUND NO LATER THAN THREE YEARS FROM THE EFFECTIVE DATE  
3 OF THIS SECTION.

4 SECTION ~~3~~ 4. THE PROVISIONS OF 7 PA. CODE § 138E.16(A)(2) <—  
5 ARE ABROGATED.

6 SECTION ~~4~~ 5. THIS ACT SHALL TAKE EFFECT IMMEDIATELY. <—