

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**

**No. 1193** Session of  
1993

INTRODUCED BY STAPLETON, JUNE 3, 1993

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, JUNE 3, 1993

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," defining  
3 "eligible counties"; further providing for allocation of  
4 State moneys, for average realty transfer tax revenues and  
5 for weighted transfer tax revenues.

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

8 Section 1. Section 3 of the act of June 30, 1981 (P.L.128,  
9 No.43), known as the Agricultural Area Security Law, is amended  
10 by adding a definition to read:

11 Section 3. Definitions.

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

15 \* \* \*

16 "Eligible counties." Counties whose easement purchase  
17 programs have been approved by the State Agricultural Land  
18 Preservation Board. For the purpose of annual allocations, an  
19 eligible county must have its easement purchase program approved

1 by the State board by January 1 of the year in which the annual  
2 allocation is made. Counties of the first class are not eligible  
3 under any circumstances.

4 \* \* \*

5 Section 2. Section 14.1(c)(6)(iv) and (h) of the act,  
6 amended June 22, 1990 (P.L.242, No.57) and April 13, 1992  
7 (P.L.100, No.23), are amended to read:

8 Section 14.1. Purchase of agricultural conservation easements.

9 \* \* \*

10 (c) Restrictions and limitations.--An agricultural  
11 conservation easement shall be subject to the following terms,  
12 conditions, restrictions and limitations:

13 \* \* \*

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

16 \* \* \*

17 (iv) Construction and use of structures on the  
18 subject land for the purpose of providing the landowner's  
19 principal residence or for providing necessary housing  
20 for seasonal or full-time employees: Provided, That only  
21 one such structure may be constructed on no more than two  
22 acres of the subject land during the term of the  
23 agricultural conservation easement.

24 \* \* \*

25 (h) Allocation of State moneys.--The State board shall make  
26 an annual allocation among counties, except counties of the  
27 first class, for the purchase of agricultural conservation  
28 easements, except for counties that do not have an easement  
29 purchase program approved by the State board by January 1 of the  
30 year in which the annual allocation is made.

1 (1) As used in this subsection, the following words and  
2 phrases shall have the meanings given to them in this  
3 paragraph unless the context clearly indicates otherwise:

4 (i) "Adjusted weighted transfer tax revenues." An  
5 amount equal to the weighted transfer tax revenues of a  
6 county divided by the sum of the weighted transfer tax  
7 revenues of all counties except counties of the first  
8 class.

9 (ii) "Annual agricultural production." The total  
10 dollar volume of sales of livestock, crops and  
11 agricultural products according to the most recent Annual  
12 Crop and Livestock Summary published by the Pennsylvania  
13 Agricultural Statistics Service.

14 (iii) "Annual easement purchase threshold." An  
15 amount annually determined by the State board which  
16 equals at least \$10,000,000.

17 (iv) "Average realty transfer tax revenues." The  
18 total annual realty transfer tax revenues collected in  
19 [all counties, except counties of the first class,  
20 divided by 66] those counties with an easement purchase  
21 program approved by the State board by January 1 of the  
22 year in which the annual allocation is made, divided by  
23 the number of counties with approved easement programs by  
24 January 1.

25 (v) "Realty transfer tax revenues." The tax imposed  
26 and collected under section 1102-C of the act of March 4,  
27 1971 (P.L.6, No.2), known as the "Tax Reform Code of  
28 1971."

29 (vi) "Weighted transfer tax revenues." An amount  
30 equal to the total annual realty transfer tax revenues

1 collected in [a] an eligible county divided by the sum of  
2 the total annual realty transfer tax revenues collected  
3 in all eligible counties [except counties of the first  
4 class] which does not exceed three times the average  
5 realty transfer tax revenues.

6 (2) An annual allocation shall be made to each eligible  
7 county[, except counties of the first class,] for the  
8 purchase of agricultural conservation easements by the  
9 Commonwealth at the beginning of the county fiscal year which  
10 equals 50% of the annual easement purchase threshold  
11 multiplied by the adjusted weighted transfer tax revenues of  
12 the county for the preceding calendar year.

13 (3) If the aggregate annual allocation under this  
14 paragraph to all eligible counties does not exceed 50% of the  
15 annual easement purchase threshold, an additional annual  
16 allocation from 50% of the annual easement purchase threshold  
17 shall be made to [a] an eligible county[, except a county of  
18 the first class,] at the beginning of the county fiscal year  
19 for the joint purchase of agricultural conservation easements  
20 by the Commonwealth and a county. The additional annual  
21 allocation under this paragraph shall equal the sum of:

22 (i) The annual appropriation of local moneys by [a]  
23 an eligible county for the purchase of agricultural  
24 conservation easements which does not exceed the average  
25 annual allocation under paragraph (2) multiplied by four.

26 (ii) The annual appropriation of local moneys by [a]  
27 an eligible county for the purchase of agricultural  
28 conservation easements which does not exceed the average  
29 annual allocation under paragraph (2) multiplied by four,  
30 if the county has an annual agricultural production which

1 equals at least 2% of the total annual agricultural  
2 production of the Commonwealth for the same year.

3 (4) If the aggregate annual allocation under paragraph  
4 (3) to all eligible counties would exceed 50% of the annual  
5 easement purchase threshold, paragraph (3) shall not apply,  
6 and an additional annual allocation shall be made under this  
7 paragraph at the beginning of the county fiscal year for the  
8 joint purchase of agricultural conservation easements by the  
9 Commonwealth and [a county, except a county of the first  
10 class] an eligible county. The additional annual allocation  
11 to [a] an eligible county under this paragraph shall equal  
12 50% of the annual easement purchase threshold multiplied by a  
13 percentage equal to the annual appropriation of local moneys  
14 appropriated by the county for the purchase of agricultural  
15 conservation easements divided by the aggregate of local  
16 moneys appropriated by all eligible counties for the purchase  
17 of agricultural conservation easements and in all cases shall  
18 not exceed the average annual allocation under paragraph (2)  
19 multiplied by four.

20 (5) An additional annual allocation shall be made to [a]  
21 an eligible county, except a county of the first class, from  
22 the amount by which 50% of the annual easement purchase  
23 threshold exceeds the total allocations made under paragraph  
24 (3) or (4), as the case may be, as follows:

25 (i) An additional annual allocation shall be made  
26 for the joint purchase of agricultural conservation  
27 easements by the Commonwealth and a county which equals  
28 six-tenths of the amount by which 50% of the annual  
29 easement purchase threshold exceeds the total allocations  
30 made under paragraph (3) or (4), as the case may be,

1 multiplied by a percentage equal to the annual  
2 appropriation of local moneys appropriated by the county  
3 for the purchase of agricultural conservation easements  
4 divided by the aggregate of local moneys appropriated by  
5 all eligible counties for the purchase of agricultural  
6 conservation easements.

7 (ii) An additional annual allocation shall be made  
8 for the purchase of agricultural conservation easements  
9 by the Commonwealth which equals four-tenths of the  
10 amount by which 50% of the annual easement purchase  
11 threshold exceeds the total allocations made under  
12 paragraph (3) or (4), as the case may be, multiplied by  
13 the adjusted weighted transfer tax revenues of the county  
14 for the preceding calendar year.

15 (6) The allocation of a county shall be adjusted for  
16 purchases of agricultural conservation easements made with  
17 moneys from the county's allocation, for all costs, except  
18 administrative costs, incurred by the Commonwealth or a  
19 county incident to the purchase of agricultural conservation  
20 easements and for the costs of reimbursing nonprofit land  
21 conservation organizations for expenses incurred in acquiring  
22 and transferring agricultural conservation easements to the  
23 Commonwealth or county. No purchase of an agricultural  
24 conservation easement shall be made with State moneys  
25 allocated to a county unless the amount of the purchase price  
26 is equal to or less than the adjusted allocation or the  
27 county pays the portion of the purchase price which  
28 represents the difference between the purchase price and the  
29 adjusted allocation.

30 (7) The first annual allocation to a county under

1 paragraphs (3), (4) and (5)(i) shall continue for three  
2 county fiscal years occurring after the effective date of  
3 this act, and the second and third such annual allocations  
4 shall each continue for two county fiscal years occurring  
5 after the effective date of this act. Thereafter each such  
6 annual allocation shall be for one county fiscal year. Such  
7 annual allocations which have not been expended or encumbered  
8 at the end of the period for which they were allocated shall  
9 be reallocated in the subsequent county fiscal year to a  
10 county which used at least 90% of the allocation made to the  
11 county at the start of the period. The reallocation to a  
12 county under this paragraph shall be the total amount of the  
13 annual allocation available for reallocation under this  
14 paragraph multiplied by a percentage equal to the annual  
15 appropriation of local moneys appropriated by the county for  
16 the purchase of agricultural conservation easements at the  
17 start of the county fiscal year in which the annual  
18 allocation was made divided by the aggregate of local moneys  
19 appropriated by all eligible counties for the purchase of  
20 agricultural conservation easements at the start of the  
21 county fiscal year in which the annual allocation was made.  
22 Money reallocated to a county under this paragraph shall be  
23 available for one county fiscal year. Money reallocated to a  
24 county under this paragraph that has not been spent or  
25 encumbered at the conclusion of one county fiscal year shall  
26 be restored to the fund.

27 (8) Initial allocations to counties under paragraphs (2)  
28 and (5)(ii) shall continue until the end of the fourth county  
29 fiscal year occurring after the effective date of this act.

30 The sum of the total annual allocations of all counties under

1 paragraphs (2) and (5)(ii) which have not been expended or  
2 encumbered by the end of the fourth county fiscal year, and  
3 every county fiscal year thereafter, occurring after the  
4 effective date of this act shall be reallocated in the  
5 subsequent county fiscal year to a county which used at least  
6 90% of the allocation made to the county at the start of the  
7 period. For purposes of determining eligibility for  
8 reallocation of funds and the amounts of reallocation, funds  
9 allocated to counties will be segregated and accounted for on  
10 a county fiscal year basis. Fifty percent of the amount  
11 available for allocation under this paragraph shall be  
12 reallocated in the manner set forth in paragraph (2), and 50%  
13 of the amount available for allocation under this paragraph  
14 shall be reallocated in the manner set forth in paragraphs  
15 (3), (4) and (5). For purposes of reallocating funds in the  
16 manner set forth in paragraph (2), realty transfer tax  
17 revenues used to calculate weighted transfer tax revenues  
18 shall correspond to the year for which funds are being  
19 reallocated and weighted transfer tax revenues shall be  
20 calculated only for counties eligible under this paragraph.  
21 Money reallocated to a county under this paragraph shall be  
22 available for one county fiscal year. Money reallocated to a  
23 county under this paragraph that has not been spent or  
24 encumbered at the conclusion of one county fiscal year shall  
25 be restored to the fund.

26 (9) The allocation made to a county under this  
27 subsection shall be used for the purchase of agricultural  
28 conservation easements in perpetuity: Provided, That no more  
29 than 30% of such allocation may be used at the option of a  
30 county for the purchase of agricultural conservation



1 easements for a term of 25 years in the manner provided for  
2 in this act.

3 Section 3. This act shall take effect in 60 days.