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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1193 Session of  
1993

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INTRODUCED BY STAPLETON, JUNE 3, 1993

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
NOVEMBER 23, 1993

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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,"  
3 prohibiting reallocation of State moneys.

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

6 Section 1. Section ~~14.1(h)~~ 14.1(H)(7) AND (8) of the act of <—  
7 June 30, 1981 (P.L.128, No.43), known as the Agricultural Area  
8 Security Law, ~~is amended~~ ARE AMENDED AND THE SUBSECTION IS <—  
9 AMENDED by adding a paragraph to read:

10 Section 14.1. Purchase of agricultural conservation easements.

11 \* \* \*

12 (h) Allocation of State moneys.--The State board shall make  
13 an annual allocation among counties, except counties of the  
14 first class, for the purchase of agricultural conservation  
15 easements.

16 \* \* \*

17 (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. AN ANNUAL ALLOCATION SHALL  
12 BE CONSIDERED TO BE ENCUMBERED AND SHALL NOT BE REALLOCATED  
13 IF, BY DECEMBER 31 OF THE YEAR IN WHICH THAT ANNUAL  
14 ALLOCATION WAS MADE TO THE COUNTY, THE DEPARTMENT HAS  
15 RECEIVED AN AGREEMENT EXECUTED BY THE LANDOWNER AND THE  
16 COUNTY TO PURCHASE A SPECIFIC AGRICULTURAL CONSERVATION  
17 EASEMENT AS PART OF THE COUNTY BOARD'S RECOMMENDATION FOR  
18 PURCHASE. THE REALLOCATION TO A COUNTY UNDER THIS PARAGRAPH  
19 SHALL BE THE TOTAL AMOUNT OF THE ANNUAL ALLOCATION AVAILABLE  
20 FOR REALLOCATION UNDER THIS PARAGRAPH MULTIPLIED BY A  
21 PERCENTAGE EQUAL TO THE ANNUAL APPROPRIATION OF LOCAL MONEYS  
22 APPROPRIATED BY THE COUNTY FOR THE PURCHASE OF AGRICULTURAL  
23 CONSERVATION EASEMENTS AT THE START OF THE COUNTY FISCAL YEAR  
24 IN WHICH THE ANNUAL ALLOCATION WAS MADE DIVIDED BY THE  
25 AGGREGATE OF LOCAL MONEYS APPROPRIATED BY ALL ELIGIBLE  
26 COUNTIES FOR THE PURCHASE OF AGRICULTURAL CONSERVATION  
27 EASEMENTS AT THE START OF THE COUNTY FISCAL YEAR IN WHICH THE  
28 ANNUAL ALLOCATION WAS MADE. MONEY REALLOCATED TO A COUNTY  
29 UNDER THIS PARAGRAPH SHALL BE AVAILABLE FOR ONE COUNTY FISCAL  
30 YEAR. MONEY REALLOCATED TO A COUNTY UNDER THIS PARAGRAPH THAT

1 HAS NOT BEEN SPENT OR ENCUMBERED AT THE CONCLUSION OF ONE  
2 COUNTY FISCAL YEAR SHALL BE RESTORED TO THE FUND. SUCH MONEY  
3 SHALL BE CONSIDERED TO BE ENCUMBERED AND SHALL NOT BE  
4 RESTORED TO THE FUND IF, BY DECEMBER 31 OF THE YEAR IN WHICH  
5 A REALLOCATION WAS MADE TO THE COUNTY, THE DEPARTMENT HAS  
6 RECEIVED AN AGREEMENT EXECUTED BY THE LANDOWNER AND THE  
7 COUNTY TO PURCHASE A SPECIFIC AGRICULTURAL CONSERVATION  
8 EASEMENT AS PART OF THE COUNTY BOARD'S RECOMMENDATION FOR  
9 PURCHASE.

10 (8) INITIAL ALLOCATIONS TO COUNTIES UNDER PARAGRAPHS (2)  
11 AND (5)(II) SHALL CONTINUE UNTIL THE END OF THE FOURTH COUNTY  
12 FISCAL YEAR OCCURRING AFTER THE EFFECTIVE DATE OF THIS ACT.  
13 THE SUM OF THE TOTAL ANNUAL ALLOCATIONS OF ALL COUNTIES UNDER  
14 PARAGRAPHS (2) AND (5)(II) WHICH HAVE NOT BEEN EXPENDED OR  
15 ENCUMBERED BY THE END OF THE FOURTH COUNTY FISCAL YEAR, AND  
16 EVERY COUNTY FISCAL YEAR THEREAFTER, OCCURRING AFTER THE  
17 EFFECTIVE DATE OF THIS ACT SHALL BE REALLOCATED IN THE  
18 SUBSEQUENT COUNTY FISCAL YEAR TO A COUNTY WHICH USED AT LEAST  
19 90% OF THE ALLOCATION MADE TO THE COUNTY AT THE START OF THE  
20 PERIOD. AN ANNUAL ALLOCATION SHALL BE CONSIDERED TO BE  
21 ENCUMBERED AND SHALL NOT BE REALLOCATED IF, BY DECEMBER 31 OF  
22 THE YEAR IN WHICH THAT ANNUAL ALLOCATION WAS MADE TO THE  
23 COUNTY, THE DEPARTMENT HAS RECEIVED AN AGREEMENT EXECUTED BY  
24 THE LANDOWNER AND THE COUNTY TO PURCHASE A SPECIFIC  
25 AGRICULTURAL CONSERVATION EASEMENT AS PART OF THE COUNTY  
26 BOARD'S RECOMMENDATION FOR PURCHASE. FOR PURPOSES OF  
27 DETERMINING ELIGIBILITY FOR REALLOCATION OF FUNDS AND THE  
28 AMOUNTS OF REALLOCATION, FUNDS ALLOCATED TO COUNTIES WILL BE  
29 SEGREGATED AND ACCOUNTED FOR ON A COUNTY FISCAL YEAR BASIS.  
30 FIFTY PERCENT OF THE AMOUNT AVAILABLE FOR ALLOCATION UNDER

1 THIS PARAGRAPH SHALL BE REALLOCATED IN THE MANNER SET FORTH  
2 IN PARAGRAPH (2), AND 50% OF THE AMOUNT AVAILABLE FOR  
3 ALLOCATION UNDER THIS PARAGRAPH SHALL BE REALLOCATED IN THE  
4 MANNER SET FORTH IN PARAGRAPHS (3), (4) AND (5). FOR PURPOSES  
5 OF REALLOCATING FUNDS IN THE MANNER SET FORTH IN PARAGRAPH  
6 (2), REALTY TRANSFER TAX REVENUES USED TO CALCULATE WEIGHTED  
7 TRANSFER TAX REVENUES SHALL CORRESPOND TO THE YEAR FOR WHICH  
8 FUNDS ARE BEING REALLOCATED AND WEIGHTED TRANSFER TAX  
9 REVENUES SHALL BE CALCULATED ONLY FOR COUNTIES ELIGIBLE UNDER  
10 THIS PARAGRAPH. MONEY REALLOCATED TO A COUNTY UNDER THIS  
11 PARAGRAPH SHALL BE AVAILABLE FOR ONE COUNTY FISCAL YEAR.  
12 MONEY REALLOCATED TO A COUNTY UNDER THIS PARAGRAPH THAT HAS  
13 NOT BEEN SPENT OR ENCUMBERED AT THE CONCLUSION OF ONE COUNTY  
14 FISCAL YEAR SHALL BE RESTORED TO THE FUND. SUCH MONEY SHALL  
15 BE CONSIDERED TO BE ENCUMBERED AND SHALL NOT BE RESTORED TO  
16 THE FUND IF, BY DECEMBER 31 OF THE YEAR IN WHICH A  
17 REALLOCATION WAS MADE TO THE COUNTY, THE DEPARTMENT HAS  
18 RECEIVED AN AGREEMENT EXECUTED BY THE LANDOWNER AND THE  
19 COUNTY TO PURCHASE A SPECIFIC AGRICULTURAL CONSERVATION  
20 EASEMENT AS PART OF THE COUNTY BOARD'S RECOMMENDATION FOR  
21 PURCHASE.

22 \* \* \*

23 (10) (i) Notwithstanding any other provision of this  
24 subsection or any provision of regulations promulgated  
25 pursuant to this act, the department shall not reallocate  
26 funds which were allocated prior to January 1, 1994, if,  
27 by December 31, 1993, the department has received an  
28 agreement signed by the landowner and the county board to  
29 purchase a specific agricultural conservation easement as  
30 part of the county board's recommendation for purchase.

1           (ii) Nothing in this paragraph shall affect any  
2           reallocation made prior to the effective date of this  
3           paragraph.

4           SECTION 2. THE PROVISIONS OF 7 PA. CODE CH. 138E (RELATING       <—  
5 TO AGRICULTURAL CONSERVATION EASEMENT PURCHASE PROGRAM), ARE  
6 ABROGATED INSOFAR AS THEY ARE INCONSISTENT WITH THIS ACT.

7           Section ~~2~~ 3. This act shall be retroactive to December 31,       <—  
8 1993, if enacted after that date.

9           Section ~~3~~ 4. This act shall take effect immediately.       <—