

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 671 Session of  
2003

INTRODUCED BY BUNT, DALEY, HARPER, MYERS, BAKER, BARD, BASTIAN,  
BELFANTI, CAPPELLI, CLYMER, COY, DALLY, EACHUS, FEESE,  
FICHTER, FLEAGLE, FRANKEL, FREEMAN, GEIST, GEORGE, GODSHALL,  
HARHAI, HASAY, HENNESSEY, HERMAN, HERSHEY, HORSEY, JAMES,  
KIRKLAND, LAUGHLIN, LEACH, LEH, LEWIS, MANDERINO, MARSICO,  
McCALL, MCGILL, MCILHINNEY, R. MILLER, PETRARCA, PRESTON,  
ROHRER, ROSS, RUBLEY, SAINATO, SATHER, SAYLOR, SCHRODER,  
SEMMELE, SHANER, SOLOBAY, STEIL, R. STEVENSON, T. STEVENSON,  
TANGRETTI, E. Z. TAYLOR, THOMAS, WALKO, WANSACZ, WATSON,  
WILT, YOUNGBLOOD AND ZUG, MARCH 5, 2003

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
MARCH 5, 2003

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  
4 easements; and abrogating a regulation.

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

7 Section 1. Section 14.1(d) of the act of June 30, 1981  
8 (P.L.128, No.43), known as the Agricultural Area Security Law,  
9 amended May 30, 2001 (P.L.103, No.14), is amended to read:

10 Section 14.1. Purchase of agricultural conservation easements.

11 \* \* \*

12 (d) Program approval.--

13 (1) The standards, criteria and requirements established  
14 by the State board for State board approval of county

1 programs for purchasing agricultural conservation easements  
2 shall include, but not be limited to, the extent to which the  
3 county programs consider and address the following:

4 (i) The quality of the farmlands subject to the  
5 proposed easements, including soil classification and  
6 soil productivity ratings. Farmland considered should  
7 include soils which do not have the highest soil  
8 classifications and soil productivity ratings but which  
9 are conducive to producing crops unique to the area.

10 (ii) The likelihood that the farmlands would be  
11 converted to nonagricultural use unless subject to an  
12 agricultural conservation easement. Areas in the county  
13 devoted primarily to agricultural use where development  
14 is occurring or is likely to occur in the next 20 years  
15 should be identified. For purposes of considering the  
16 likelihood of conversion, the existence of a zoning  
17 classification of the land shall not be relevant, but the  
18 market for nonfarm use or development of farmlands shall  
19 be relevant.

20 (ii.1) Proximity of the farmlands subject to  
21 proposed easements to other agricultural parcels in the  
22 county which are subject to agricultural conservation  
23 easements.

24 (iii) The stewardship of the land and use of  
25 conservation practices and best land management  
26 practices, including, but not limited to, soil erosion  
27 and sedimentation control and nutrient management.

28 (iv) Fair, equitable, objective and  
29 nondiscriminatory procedures for determining purchase  
30 priorities.

1           (v) Require a farmland tract to be contiguous  
2           acreage of at least 50 acres in size unless the tract is  
3           at least 10 acres in size and is either utilized for a  
4           crop unique to the area or is contiguous to a property  
5           which has a perpetual conservation easement in place held  
6           by a "qualified conservation organization," as defined in  
7           section 170(h)(3) of the Internal Revenue Code of 1986  
8           (Public Law 99-514, 26 U.S.C. § 170(h)(3)). A county may  
9           require a farmland tract to be contiguous acreage of at  
10           least 25 acres in size unless the tract is at least ten  
11           acres in size and is either utilized for a crop unique to  
12           the area or is contiguous to a property which has a  
13           perpetual conservation easement in place held by a  
14           "qualified conservation organization," as defined in  
15           section 170(h)(3) of the Internal Revenue Code of 1986.

16           (2) The State board shall act on a county's program for  
17           purchasing agricultural conservation easements within 60 days  
18           of its receipt, and shall notify immediately the county in  
19           writing of approval or disapproval of its program in  
20           accordance with the criteria set forth in this subsection.  
21           Failure of the State board to act on the submission of a  
22           county program under this provision within 60 days of its  
23           receipt shall be deemed to constitute approval of the county  
24           program by the State board.

25           Section 2. The provisions of 7 Pa. Code § 138e.16(a)(2) are  
26           abrogated.

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