HOUSE AMENDED
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THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 779 Session of 2003

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

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, DECEMBER 8, 2003

AN ACT

~~Making an appropriation from a restricted revenue account within the General Fund to the State Farm Products Show Fund.~~ <—

AMENDING THE ACT OF JUNE 30, 1981 (P.L.128, NO.43), ENTITLED "AN ACT AUTHORIZING THE CREATION OF AGRICULTURAL AREAS," FURTHER PROVIDING FOR PURCHASE OF AGRICULTURAL CONSERVATION EASEMENTS; MAKING AN APPROPRIATION; AND ABROGATING A REGULATION. <—

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

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

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

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

SECTION 14.1. PURCHASE OF AGRICULTURAL CONSERVATION EASEMENTS.

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(D) PROGRAM APPROVAL.--

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

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

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

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

(III) THE STEWARDSHIP OF THE LAND AND USE OF 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 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 REQUIRE A FARMLAND TRACT TO BE CONTIGUOUS ACREAGE OF AT LEAST 25 ACRES IN SIZE UNLESS THE TRACT IS 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 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.

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

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SECTION 2. THE SUM OF $1,000,000 IS HEREBY APPROPRIATED FROM

THE AGRICULTURAL FARM OPERATIONS ACCOUNT WITHIN THE GENERAL FUND TO THE STATE FARM PRODUCTS SHOW FUND FOR SALARIES, OPERATING EXPENSES AND MAINTENANCE OF THE FARM SHOW COMPLEX FOR THE FISCAL YEAR JULY 1, 2003, TO JUNE 30, 2004.

SECTION 3. THE PROVISIONS OF 7 PA. CODE § 138E.16(A)(2) ARE ABROGATED.

SECTION 4. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.