

No. 1993-75

## AN ACT

SB 1193

Amending the act of June 30, 1981 (P.L.128, No.43), entitled "An act authorizing the creation of agricultural areas," prohibiting reallocation of State moneys.

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

Section 1. Section 14.1(h)(7) and (8) of the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, amended April 13, 1992 (P.L.100, No.23), are amended and the subsection is amended by adding a paragraph to read:

Section 14.1. Purchase of agricultural conservation easements.

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

\* \* \*

(7) The first annual allocation to a county under paragraphs (3), (4) and (5)(i) shall continue for three county fiscal years occurring after the effective date of this act, and the second and third such annual allocations shall each continue for two county fiscal years occurring after the effective date of this act. Thereafter each such annual allocation shall be for one county fiscal year. Such annual allocations which have not been expended or encumbered at the end of the period for which they were allocated shall be reallocated in the subsequent county fiscal year to a county which used at least 90% of the allocation made to the county at the start of the period. ***An annual allocation shall be considered to be encumbered and shall not be reallocated if, by December 31 of the year in which that annual allocation was made to the county, the department has received an agreement executed by the landowner and the county to purchase a specific agricultural conservation easement as part of the county board's recommendation for purchase.*** The reallocation to a county under this paragraph shall be the total amount of the annual allocation available for reallocation under this paragraph multiplied by a percentage equal to the annual appropriation of local moneys appropriated by the county for the purchase of agricultural conservation easements at the start of the county fiscal year in which the annual allocation was made divided by the aggregate of local moneys appropriated by all eligible counties for the purchase of agricultural conservation easements at the start of the county fiscal year in which the annual allocation was made. Money reallocated to

a county under this paragraph shall be available for one county fiscal year. Money reallocated to a county under this paragraph that has not been spent or encumbered at the conclusion of one county fiscal year shall be restored to the fund. ***Such money shall be considered to be encumbered and shall not be restored to the fund if, by December 31 of the year in which a reallocation was made to the county, the department has received an agreement executed by the landowner and the county to purchase a specific agricultural conservation easement as part of the county board's recommendation for purchase.***

(8) Initial allocations to counties under paragraphs (2) and (5)(ii) shall continue until the end of the fourth county fiscal year occurring after the effective date of this act. The sum of the total annual allocations of all counties under paragraphs (2) and (5)(ii) which have not been expended or encumbered by the end of the fourth county fiscal year, and every county fiscal year thereafter, occurring after the effective date of this act shall be reallocated in the subsequent county fiscal year to a county which used at least 90% of the allocation made to the county at the start of the period. ***An annual allocation shall be considered to be encumbered and shall not be reallocated if, by December 31 of the year in which that annual allocation was made to the county, the department has received an agreement executed by the landowner and the county to purchase a specific agricultural conservation easement as part of the county board's recommendation for purchase.*** For purposes of determining eligibility for reallocation of funds and the amounts of reallocation, funds allocated to counties will be segregated and accounted for on a county fiscal year basis. Fifty percent of the amount available for allocation under this paragraph shall be reallocated in the manner set forth in paragraph (2), and 50% of the amount available for allocation under this paragraph shall be reallocated in the manner set forth in paragraphs (3), (4) and (5). For purposes of reallocating funds in the manner set forth in paragraph (2), realty transfer tax revenues used to calculate weighted transfer tax revenues shall correspond to the year for which funds are being reallocated and weighted transfer tax revenues shall be calculated only for counties eligible under this paragraph. Money reallocated to a county under this paragraph shall be available for one county fiscal year. Money reallocated to a county under this paragraph that has not been spent or encumbered at the conclusion of one county fiscal year shall be restored to the fund. ***Such money shall be considered to be encumbered and shall not be restored to the fund if, by December 31 of the year in which a reallocation was made to the county, the department has received an agreement executed by the landowner and the county to purchase a specific agricultural conservation easement as part of the county board's recommendation for purchase.***

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(10) (i) *Notwithstanding any other provision of this subsection or*

*any provision of regulations promulgated pursuant to this act, the department shall not reallocate funds which were allocated prior to January 1, 1994, if, by December 31, 1993, the department has received an agreement signed by the landowner and the county board to purchase a specific agricultural conservation easement as part of the county board's recommendation for purchase.*

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

Section 2. The provisions of 7 Pa. Code Ch. 138e (relating to Agricultural Conservation Easement Purchase Program), are abrogated insofar as they are inconsistent with this act.

Section 3. This act shall be retroactive to December 31, 1993, if enacted after that date.

Section 4. This act shall take effect immediately.

APPROVED—The 17th day of December, A.D. 1993.

MARK S. SINGEL  
ACTING GOVERNOR