

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 819 Session of 2017

INTRODUCED BY AUMENT, MARTIN, EICHELBERGER, YAW, FOLMER, RAFFERTY, WARD, BARTOLOTTA, STEFANO, REGAN, VOGEL, YUDICHAK, RESCHENTHALER, WHITE, MENSCH, VULAKOVICH AND McILHINNEY, SEPTEMBER 8, 2017

SENATOR VOGEL, AGRICULTURE AND RURAL AFFAIRS, AS AMENDED, MAY 22, 2018

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 definitions and for purchase of agricultural
4 conservation easements.

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

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

10 Section 3. Definitions.

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

14 * * *

15 ~~"Agritourism." Activity carried out on land subject to a <--~~
16 ~~conservation easement under this act that provides entertainment~~
17 ~~or education to the general public for the purpose of promoting~~

~~1 agricultural products or farming or rural lifestyles, regardless~~
~~2 of whether or not the general public pays to participate in the~~
~~3 activity including:~~

~~4 (1) interaction with farm or rural animals;~~

~~5 (2) farming or harvesting activities;~~

~~6 (3) tours, exhibitions or taste tests that promote the~~
~~7 farm or on farm produced products;~~

~~8 (4) bed and breakfast operations or similar lodging~~
~~9 accommodations that encourage engagement with farming or~~
~~10 harvesting activities or the farm's agricultural character or~~
~~11 aesthetic nature;~~

~~12 (5) equine training, teaching or recreational riding;~~

~~13 (6) games, rides and other entertainment activities~~
~~14 normally engaged in by farm families or rural communities;~~
~~15 and~~

~~16 (7) activities carried out in conjunction with seasonal~~
~~17 festivals to promote local agricultural products.~~

~~18 The term does not include rodeos, hunting, water skiing or~~
~~19 tubing, paintball and nonmotorized freestyle, mountain or off-~~
~~20 road bicycling.~~

~~21 "AGRITOURISM ACTIVITY." FARM-RELATED TOURISM OR FARM-RELATED <--~~
~~22 ENTERTAINMENT ACTIVITY THAT:~~

~~23 (1) TAKES PLACE ON A FARM WHERE AGRICULTURAL,~~
~~24 HORTICULTURAL OR SILVICULTURAL CROPS ARE GROWN OR FARM~~
~~25 ANIMALS, RURAL ANIMALS OR FARMED FISH ARE RAISED; AND~~

~~26 (2) ALLOWS MEMBERS OF THE GENERAL PUBLIC, WHETHER OR NOT~~
~~27 FOR A FEE, TO TOUR, EXPLORE, OBSERVE, LEARN ABOUT,~~
~~28 PARTICIPATE IN OR BE ENTERTAINED BY AN ASPECT OF AGRICULTURAL~~
~~29 PRODUCTION, HARVESTING, HUSBANDRY OR RURAL LIFESTYLE THAT~~
~~30 OCCURS ON THE FARM.~~

1 "ANTICIPATED YEARLY GROSS INCOME." GROSS INCOME NORMALLY
2 EXPECTED TO BE GENERATED IN ONE YEAR, WITHOUT OCCURRENCE OF A
3 NATURAL DISASTER OR OTHER OCCURRENCE OR CONDITION BEYOND THE
4 OPERATOR'S REASONABLE CONTROL.

5 * * *

6 "FARM." AN OPERATION COMMERCIALY ENGAGED IN AGRICULTURE <--
7 THAT:

- 8 (1) IS 10 OR MORE ACRES IN CONTIGUOUS AREA; OR
9 (2) HAS AN ANTICIPATED YEARLY GROSS INCOME OF AT LEAST
10 \$2,000 FROM AGRICULTURAL PRODUCTION.

11 * * *

12 Section 2. Section 14.1(c)(6)(v) of the act is amended and
13 paragraph (6) is amended by adding a subparagraph to read:
14 Section 14.1. Purchase of agricultural conservation easements.

15 * * *

16 (c) Restrictions and limitations.--An agricultural
17 conservation easement shall be subject to the following terms,
18 conditions, restrictions and limitations:

19 * * *

20 (6) An agricultural conservation easement shall not
21 prevent:

22 * * *

23 (v) Customary part-time or off-season minor or rural
24 enterprises and activities, other than agritourism
25 activities, which are provided for in the county
26 Agricultural Conservation Easement Purchase Program
27 approved by the State board under subsection (d).

28 ~~(vi) Agritourism activities that are incidental to a~~ <--
29 ~~farm's agricultural use and that do not render a portion~~
30 ~~of the restricted land incapable of being immediately~~

1 converted to agricultural use.

2 (VI) AN AGRITOURISM ACTIVITY THAT: <--

3 (A) IS INCIDENTAL TO A FARM'S AGRICULTURAL USE;

4 (B) DOES NOT RENDER A PORTION OF THE RESTRICTED
5 LAND INCAPABLE OF BEING IMMEDIATELY CONVERTED TO
6 AGRICULTURAL USE; AND

7 (C) HAS BEEN DEEMED TO BE AN AGRITOURISM
8 ACTIVITY BY A COUNTY BOARD. THE FOLLOWING SHALL
9 APPLY:

10 (I) IF AN APPLICATION IS RECEIVED AT LEAST
11 SEVEN DAYS PRIOR TO THE NEXT SCHEDULED MEETING OF
12 A COUNTY BOARD, THE APPLICATION SHALL BE
13 CONSIDERED AT THE SCHEDULED MEETING.

14 (II) IF AN APPLICATION IS RECEIVED LESS THAN
15 SEVEN DAYS PRIOR TO THE NEXT SCHEDULED MEETING OF
16 A COUNTY BOARD, THE APPLICATION SHALL BE
17 CONSIDERED AT THE NEXT MEETING SUBSEQUENT TO THE
18 SCHEDULED MEETING.

19 * * *

20 Section 3. The amendment of section 14.1(c)(6) of the act
21 shall apply to agricultural conservation easements executed
22 after June 29, 1981.

23 Section 4. This act shall take effect in 60 days.