

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2251

Session of
1982

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MACKOWSKI AND ARMSTRONG, FEBRUARY 23, 1982

AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 22, 1982

AN ACT

1 Providing for a Lands Management Commission within the
2 Department of Agriculture; providing for its powers and
3 duties. ~~and making an appropriation.~~ <—

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15 Section ~~11~~ 10. Effective date. <—
16 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Definitions.

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

6 "Agricultural products." Livestock and livestock products
7 and poultry products, fruits and fruit products, vegetables and
8 vegetable products, grains and hays, timber and timber products
9 and the products derived therefrom and other products derived
10 from the business of farming, including such other products as
11 may be manufactured, derived, or prepared from the heretofore
12 mentioned products, raw or processed, which are used as food for
13 man or animals.

14 "Commission." The Lands Management Commission within the
15 Department of Agriculture established by this act.

16 "Director." The Land Management Director.

17 "Land-use facility." Any processing plant, milking stable,
18 institution equipment storage building, barn, silo, grain
19 storage building, swinery or any other building owned by an
20 agency, department or commission of the Commonwealth used in its
21 land-use production and maintenance operations and transferred
22 to the commission as provided in this act.

23 Section 2. Lands Management Commission.

24 There is hereby established within the Department of
25 Agriculture a Lands Management Commission composed of nine
26 members as follows; the Secretary of Agriculture, who shall be
27 chairman, the Secretary of General Services, the Governor or his
28 designee, the Director of the Bureau of Rural Affairs of the
29 Department of Agriculture, the Chairman of the House Agriculture
30 Committee, the Chairman of the Senate Agriculture Committee and

1 three farmers appointed from a list of names submitted to the
2 Governor by chartered farm organizations. The terms of the
3 farmer members shall be for six years. The terms shall be
4 staggered and one member shall be appointed every two years. The
5 initial appointments of farmer members shall be for terms of
6 two, four and six years. No business may be transacted by the
7 commission in the absence of a quorum which consists of five
8 members. The commission shall annually file a report at the end
9 of the fiscal year with the Governor and the members of the
10 General Assembly.

11 Section 3. Powers and duties of the commission.

12 The commission shall manage lands for the most efficient
13 production of agricultural products, and provide land and
14 facilities for agricultural research and educational purposes.
15 The commission shall have full power and authority over all land
16 transferred or sold to it, including but not limited to the
17 management of; personnel, production, leasing of the land,
18 facilities and equipment; the making of recommendations for sale
19 with deed restrictions including easements, profits,
20 reservations or covenants limiting land use to agriculture; the
21 purchase of supplies, facilities and equipment, repairs,
22 maintenance, and the sale of agricultural products. Revenue from
23 the leasing of land, facilities and equipment and from the sale
24 of agricultural products shall be remitted to the State
25 Treasurer for payment into a Lands Management Commission Fund as
26 provided by section 7. Moneys in the Lands Management Commission
27 Fund shall be used by the commission to pay the costs of
28 operation, repairs, modernization of facilities and equipment,
29 and the purchases of supplies, equipment and facilities.

30 Section 4. Land Management Director.

1 (a) Appointment.--The secretary, upon approval by the
2 commission, shall appoint a Land Management Director. The
3 director is responsible for conducting the operation of the
4 lands and shall be supervised by the Secretary of Agriculture.
5 He shall prepare an annual report of the operations, including a
6 list of all receipts and expenditures and shall present it to
7 the commission at the end of each fiscal year.

8 (b) Duties.--As authorized or directed by the commission,
9 the director shall also:

10 (1) Prepare the annual budget request for the operation
11 of the institutional lands and submit it to the commission
12 for approval and submission to the budget office.

13 (2) Receive and approve all requisitions for supplies,
14 equipment and facilities.

15 (3) Recruit assistant managers to supervise each
16 operation, if necessary.

17 (4) Implement all orders of the commission.

18 (5) Supervise all other employees of the commission.

19 (6) Transfer supplies, equipment, facilities and
20 agricultural products to promote efficiency and improve land
21 management.

22 (7) Act as commission agent in all negotiations for
23 leases, contracts and agreements.

24 Section 5. Transfers to commission.

25 (a) From the Department of Public Welfare.--All land whether
26 or not presently under leasehold interests, previously
27 transferred to the Department of Agriculture from the Department
28 of Public Welfare is transferred to the commission. Land shall
29 be transferred regardless of current leasehold interests. The
30 commission shall administer all leases.

(b) From other boards, commissions and agencies.--Land, together with all easements, mineral rights, appurtenances, equipment, agricultural products, inventories, and facilities thereon or attached thereto, may be transferred by an agency, board or commission to the commission upon its approval. Any land so transferred shall be managed by the commission under the terms and conditions contained in this act.

Section 6. Land use division lines.

(a) Surveys.--The director shall employ a surveyor to establish the division lines and plot plans for lands transferred to the commission. In establishing the division lines and plot plans, the Land Management Director shall cooperate fully with the Department of General Services and any other affected Commonwealth agency, department or commission.

(b) Decisions and disputes.--In the event of disagreement over the placement of a division line, the construction of a plot plan or the disposition of equipment, supplies and facilities, the Land Management Director and the Commonwealth agency, department, or commission involved in the disagreement shall, within 30 days, appear before the commission for a hearing on the matter. The commission shall decide the matter in all cases.

(c) Utility services and taxes.--The commission shall have the power to make agreements with other Commonwealth agencies, departments and commissions to provide utility services to lands transferred to the commission. The executive director shall annually recommend to the board payment in lieu of taxes to political subdivisions by the commission.

Section 7. Administration of funds.

(a) Lands Management Commission Fund.--All moneys paid into

1 the State Treasury under this act shall be paid into a special
2 account hereby created and which shall be known as the Lands
3 Management Commission Fund.

4 (b) Use of fund moneys.--All moneys in the Lands Management
5 Commission Fund shall be used to pay:

6 (1) The salaries of commission employees.

7 (2) Expenses incurred in the administration of this act.

8 (3) Expenditures for the purchases of supplies,
9 equipment and facilities.

10 (c) Transfer of certain funds.--All moneys currently within
11 the restricted revenue account known as the Agricultural Farm
12 Operations Account of the Bureau of Rural Affairs shall be
13 transferred to the Lands Management Commission Fund.

14 Section 8. Rules and regulations.

15 The commission shall, in the manner provided by law, adopt
16 the rules and regulations necessary to carry out this act.

17 Section 9. Leases.

18 (a) Lease provisions.--The commission may enter into leases
19 for the rental of land, equipment and facilities. Leases shall
20 not exceed five years in duration. The commission may grant
21 options to renew leases at anytime during the term of lease.
22 Options to renew a lease shall not exceed a duration of five
23 years.

24 (b) Preference.--The commission shall give preference to
25 young farm families who wish to begin a career in agriculture in
26 the letting of any lease for land under this act. The commission
27 shall set standards, criteria and other qualifications for
28 applicants who wish to enter into a lease for land. These
29 standards, criteria and qualifications shall be established by
30 regulation through the Department of Agriculture.

1 ~~Section 10. Appropriation.~~

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2 ~~The sum of \$850,000 is hereby appropriated from the General~~
3 ~~Fund to the Lands Management Commission Fund to carry out this~~
4 ~~act.~~

5 Section ~~11~~ 10. Effective date.

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6 This act shall take effect immediately.