
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 633 Session of
2015

INTRODUCED BY THOMAS AND COHEN, FEBRUARY 26, 2015

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
FEBRUARY 26, 2015

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 limitation on certain governmental actions.

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

6 Section 1. Section 13(a) and (b) of the act of June 30, 1981
7 (P.L.128, No.43), known as the Agricultural Area Security Law,
8 amended May 15, 2006 (P.L.190, No.46), are amended to read:

9 Section 13. Limitation on certain governmental actions.

10 (a) Approval required for condemnation and for certain other
11 actions by an agency of the Commonwealth.--No agency of the
12 Commonwealth having or exercising powers of eminent domain shall
13 condemn for any purpose any land within any agricultural
14 security area which land is being used for productive
15 agricultural purposes (not including the growing of timber)
16 unless prior approval has been obtained in accordance with the
17 criteria and procedures established in this section from the
18 Agricultural Lands Condemnation Approval Board as established in

1 section 306 of the act of April 9, 1929 (P.L.177, No.175), known
2 as "The Administrative Code of 1929." [The] Excepting a county
3 of the first class, a county of the second class or a county of
4 the third class, the condemnation approval specified by this
5 subsection shall not be required for an underground public
6 utility facility that does not permanently impact the tilling of
7 soil or for any facility of an electric cooperative corporation
8 or for any public utility facility the necessity for and the
9 propriety and environmental effects of which has been reviewed
10 and ratified or approved by the Pennsylvania Public Utility
11 Commission or the Federal Energy Regulatory Commission. In
12 addition, all State-funded development projects which might
13 affect land in established agricultural security areas shall be
14 reviewed by the appropriate local agricultural advisory
15 committee and by the Agricultural Lands Condemnation Approval
16 Board. Each reviewing body may suggest any modification to the
17 State-funded development projects which ensures the integrity of
18 the agricultural security areas against nonfarm encroachment.

19 (b) Approval required for condemnation by a political
20 subdivision, authority, public utility or other body.--No
21 political subdivision, authority, public utility or other body
22 having or exercising powers of eminent domain shall condemn any
23 land within any agricultural security area for any purpose,
24 unless prior approval has been obtained from Agricultural Lands
25 Condemnation Approval Board and from each of the following
26 bodies: the governing bodies of the local government units
27 encompassing the agricultural security area, the county
28 governing body, and the Agricultural Security Area Advisory
29 Committee. Review by the Agricultural Lands Condemnation
30 Approval Board and the other indicated bodies shall be in

1 accordance with the criteria and procedures established in this
2 section. [The] Excepting a county of the first class, a county
3 of the second class or a county of the third class, the
4 condemnation approvals specified by this subsection shall not be
5 required for an underground public utility facility that does
6 not permanently impact the tilling of soil or for any facility
7 of an electric cooperative corporation or for any public utility
8 facility the necessity for and the propriety and environmental
9 effects of which has been reviewed and ratified or approved by
10 the Pennsylvania Public Utility Commission or the Federal Energy
11 Regulatory Commission, regardless of whether the right to
12 establish and maintain such underground or other public utility
13 facility is obtained by condemnation, or by agreement with the
14 owner.

15 * * *

16 Section 2. This act shall take effect in 60 days.