

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2019

Session of  
2005

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INTRODUCED BY BEYER, FEESE, E. Z. TAYLOR, HERMAN, LEH, B. SMITH,  
ARMSTRONG, BOYD, CALTAGIRONE, CAUSER, CORRIGAN, CREIGHTON,  
DALEY, GINGRICH, GOOD, GOODMAN, HERSHEY, KILLION, MAHER,  
MARKOSEK, MUSTIO, SCHRODER, SHANER, R. STEVENSON, WATSON,  
WILT, YOUNGBLOOD, SIPTROTH AND DALLY, OCTOBER 13, 2005

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AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, OCTOBER 25, 2005

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## AN ACT

1 Amending the act of June 22, 1964 (Sp.Sess., P.L.84, No.6),  
2 entitled "An act to codify, amend, revise and consolidate the  
3 laws relating to eminent domain," further providing for  
4 abandonment of project.

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

7 Section 1. Section 410 of the act of June 22, 1964  
8 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code,  
9 amended February 18, 1982 (P.L.43, No.25), is amended to read:

10 Section 410. Abandonment of Project.--(a) If a condemnor  
11 has condemned a fee and thereafter abandons the purpose for  
12 which the property has been condemned, the condemnor may dispose  
13 of it by sale [or otherwise: Provided, however, That if], lease,  
14 gift, devise or other transfer with the following restrictions:

15 (1) If the property IS UNDEVELOPED OR has not been  
16 substantially improved, it may not be disposed of within three  
17 years after condemnation without first being offered to the

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condemnee at the same price paid to the condemnee by the  
condemnor[: And provided further, That if].

(2) If the property is [not located within] located outside  
the corporate boundaries of a county of the first or second  
class and IS UNDEVELOPED OR has not been substantially improved  
and was devoted to agricultural use at the time of the  
condemnation, it may not be disposed of within [twelve] THIRTY  
years after condemnation without first being offered to the  
condemnee at the same price paid to the condemnee by the  
condemnor. The condemnee shall be served with notice of the  
offer in the same manner as prescribed for the service of  
notices in subsection (b) of section 405 of this act, and shall  
have ninety days after receipt of such notice to make written  
acceptance thereof.

(3) If the property IS UNDEVELOPED OR has not been  
substantially improved and the offers required to be made under  
paragraphs (1) and (2) have not been accepted, the property  
shall not be disposed of by any condemnor, acquiring agency or  
subsequent purchaser for a nonpublic use or purpose for a period  
of no less than thirty years from the date of abandonment of the  
purpose for which the property was originally condemned. UPON  
PETITION BY THE CONDEMNOR, THE COURT MAY PERMIT DISPOSAL OF THE  
PROPERTY IN LESS THAN THIRTY YEARS UPON PROOF BY A PREPONDERANCE  
OF THE EVIDENCE THAT A CHANGE IN CIRCUMSTANCES HAS ABROGATED THE  
ORIGINAL PUBLIC PURPOSE FOR WHICH THE PROPERTY WAS TAKEN.

(b) The condemnor may not condition any offer required to be  
made to a condemnee under subsection (a), on the payment by the  
condemnee of additional fees, real estate taxes or payments in  
lieu of taxes or other costs.

(c) As used in this section:

"Agricultural commodity" means any [and all plant and animal products including Christmas trees produced in this State for commercial purposes.] OF THE FOLLOWING:

(1) AGRICULTURAL, APICULTURAL, AQUACULTURAL, HORTICULTURAL, FLORICULTURAL, SILVICULTURAL, VITICULTURAL AND DAIRY PRODUCTS.

(2) PASTURE.

(3) LIVESTOCK AND THE PRODUCTS THEREOF.

(4) RANCH-RAISED FURBEARING ANIMALS AND THE PRODUCTS THEREOF.

(5) POULTRY AND THE PRODUCTS OF POULTRY.

(6) PRODUCTS COMMONLY RAISED OR PRODUCED ON FARMS WHICH ARE:

(I) INTENDED FOR HUMAN CONSUMPTION; OR

(II) TRANSPORTED OR INTENDED TO BE TRANSPORTED IN COMMERCE.

(7) PROCESSED OR MANUFACTURED PRODUCTS OF PRODUCTS COMMONLY RAISED OR PRODUCED ON FARMS WHICH ARE:

(I) INTENDED FOR HUMAN CONSUMPTION; OR

(II) TRANSPORTED OR INTENDED TO BE TRANSPORTED IN COMMERCE.

"Agricultural use" means [use of the] land WHICH IS USED for the purpose of producing an agricultural commodity or [when] IS devoted to and [meeting] MEETS the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government. Land containing a farmhouse or other buildings related to farming shall be deemed to be in agricultural use. THE TERM INCLUDES A WOODLOT AND LAND WHICH IS RENTED TO ANOTHER PERSON AND USED FOR THE PURPOSE OF PRODUCING

1 AN AGRICULTURAL COMMODITY.

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