

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 463 Session of
1999

INTRODUCED BY GREENLEAF, KASUNIC, BOSCOLA, CONTI AND RHOADES,
FEBRUARY 24, 1999

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, FEBRUARY 24, 1999

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employees in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employees of certain departments, boards and
20 commissions shall be determined," providing for prime
21 agricultural land.

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

24 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
25 as The Administrative Code of 1929, is amended by adding a
26 section to read:

27 Section 1716. Prime Agricultural Land Policy.--(a) It is

the policy of the Commonwealth to protect, through the administration of all agency programs and regulations, the Commonwealth's primary agricultural land from irreversible conversion to uses that result in its loss as an environmental and essential food and fiber resource.

(b) Commonwealth funds and Commonwealth-administered Federal funds may not be used to encourage the conversion of primary agricultural land to other uses when feasible alternatives are available.

(c) (1) The primary agricultural land to be protected under this section includes lands:

(i) In active agricultural use, not including the growing of timber.

(ii) Devoted to active agricultural use the preceding three (3) years.

(iii) Which fall into at least one (1) of the categories of agricultural land in paragraph (2).

(2) State agencies shall provide protection to primary agricultural land under this section based upon the following levels of priority:

(i) Highest priority shall be given to preserved farmland, which shall include lands that fit into either of the following categories:

(A) Farmland that is restricted to agricultural use by an agricultural conservation easement that has been recorded in the appropriate county land records office. These easements include: easements owned by the Commonwealth or county, or both, under the authority of the act of June 30, 1981 (P.L.128, No.43), known as the "Agricultural Area Security Law," and easements owned by any other qualified conservation organization, as that

1 term is defined in section 170(h)(3) of the Internal Revenue
2 Code of 1986 (Public Law 99-514, 26 U.S.C. § 170(h)(3)).
3 Qualified conservation organizations may include private
4 nonprofit land conservation organizations, in addition to local
5 governments and State governments.

6 (B) Farmland that is restricted to agricultural use by deed
7 restrictions that have been imposed under the authority of the
8 act of January 19, 1968 (1967 P.L.992, No.442), entitled "An act
9 authorizing the Commonwealth of Pennsylvania and the local
10 government units thereof to preserve, acquire or hold land for
11 open space uses," and that have been recorded in the appropriate
12 county land records office.

13 (ii) Second highest priority shall be given to farmland in
14 agricultural security areas which includes farmland approved by
15 local government units after public review and comment according
16 to the procedures in the "Agricultural Area Security Law."

17 (iii) Third highest priority shall be given to:

18 (A) Farmland enrolled in the act of December 19, 1974
19 (P.L.973, No.319), known as the "Pennsylvania Farmland and
20 Forest Land Assessment Act of 1974," programs or the act of
21 January 13, 1966 (1965 P.L.1292, No.515), entitled "An act
22 enabling certain counties of the Commonwealth to covenant with
23 land owners for preservation of land in farm, forest, water
24 supply, or open space uses."

25 (B) Farmland enrolled for preferential tax assessments as
26 land in "agriculture use" or "farmland" in either of these acts.

27 (iv) Fourth highest priority shall be given to:

28 (A) Farmland planned for agricultural use and subject to
29 effective agricultural zoning.

30 (B) Farmland designated for agricultural use in a

comprehensive plan and zoning ordinance adopted in the act of July 31, 1968 (P.L.805, No.247), known as the "Pennsylvania Municipalities Planning Code," that delineates an area of agriculturally valuable soils and existing farms.

(v) Fifth highest priority shall be given to land capability Classes I, II, III and IV farmland and unique farmland; land capability Classes I, II, III and IV farmland mapped by the United States Department of Agriculture (USDA) Natural Resources Conservation Service and published in county soil surveys. For purposes of this subparagraph, "unique farmland" is defined by the USDA Natural Resources Conservation Service as land other than prime farmland that is used for the production of specific high value food and fiber crops.

(d) The Agricultural Lands Condemnation Approval Board shall consider this policy in its review of agricultural lands proposed for condemnation authorized under section 306 and the "Agricultural Area Security Law."

(e) Agencies under the Governor's jurisdiction shall amend their individual documents titled "Guidance for Implementation of the Agricultural Land Preservation Policy" by April 14 every two (2) years, beginning April 14, 2000. The amended guidance document shall be submitted to the Governor's Office of Policy Development and the Department of Agriculture. This guidance document shall include:

(1) A listing of agency actions, including land acquisitions, planning, construction, permit review and financial assistance that may directly or indirectly impact primary agricultural lands.

(2) A statement of agency guidelines and procedures which have been or will be instituted to eliminate or minimize impacts

detrimental to the continued use of primary agricultural lands.

(3) A description of any changes in statutes or regulations
needed to implement the intent of this section.

(f) The following Commonwealth agencies shall participate in
an interagency committee, chaired by the Department of
Agriculture, to solve mutual problems in meeting the objectives
of this section:

(1) The Governor's Office of Policy Development.

(2) The Governor's Budget Office.

(3) The Department of Agriculture.

(4) The Department of Community and Economic Development.

(5) The Department of Conservation and Natural Resources.

(6) The Department of Corrections.

(7) The Department of Education.

(8) The Department of Environmental Protection.

(9) The Department of General Services.

(10) The Department of Transportation.

(11) The Pennsylvania Infrastructure Investment Authority.

(g) The Pennsylvania Department of Agriculture shall be the
lead agency for implementing this section. Agencies under the
Governor's jurisdiction shall fully support this agricultural
land preservation policy and cooperate with the Secretary of
Agriculture by providing assistance and information, as
necessary, to carry out the functions and responsibilities in
this section.

Section 2. This act shall take effect immediately.