

FARMLAND - ADMINISTRATION BY DEPARTMENT OF AGRICULTURE

Act of Jun. 18, 1982, P.L. 549, No. 159

Cl. 71

AN ACT

Providing for the administration of certain Commonwealth farmland within the Department of Agriculture.

WHEREAS, The General Assembly hereby finds and declares that in order to ensure economic and efficient land use, increase and improve production and provide food, Commonwealth lands may be transferred to the Pennsylvania Department of Agriculture and advisory committee appointed by the Department of Agriculture as is provided by this act; and

WHEREAS, The General Assembly finds that the Commonwealth currently possesses extensive holdings of farmland; and

WHEREAS, The General Assembly finds that these lands should be sold or conserved by the Commonwealth in order to preserve this land for agricultural use, research use, educational use or other public purposes;

THEREFORE, The General Assembly hereby instructs the Department of Agriculture, in order to hold these lands in public trust, to ensure economic and efficient land use, to increase and improve production of agricultural products, and to provide an opportunity for young farm families to begin agricultural careers.

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

Section 1. Definitions.

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

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

"Department." The Pennsylvania Department of Agriculture.

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

"Secretary." The Secretary of the Pennsylvania Department of Agriculture.

Section 2. Advisory committee established; composition; quorum.

There is hereby established within the Department of Agriculture an advisory committee composed of nine members as follows; the Director of the Bureau of Rural Affairs of the Department of Agriculture who shall be chairman, the Secretary of General Services or his designee, the Chairman of the House Agriculture Committee, the Chairman of the Senate Agriculture Committee and five farmers appointed from a list of names submitted to the secretary by chartered farm organizations. The terms of the farmer members shall be for six years. Of the initial appointments, two farmer members shall serve for a term of two years, two for a term of four years and one for a term

of six years. The initial appointments of farmer members shall be for terms of two, four and six years. No business may be transacted by the committee in the absence of a quorum which consists of five members. The advisory committee shall advise the Secretary of Agriculture as to appropriate actions consistent with sound husbandry, efficient management of resources and decisions consistent with the Commonwealth's policy of Agricultural Preservation of Lands administered by the Department of Agriculture under the provisions of this act. The secretary and the committee shall annually file a report at the end of the fiscal year with the Governor and the members of the General Assembly.

Section 3. Powers, duties and responsibilities of the secretary.

The secretary shall manage lands for the most efficient production of agricultural products, and provide land and facilities for agricultural research and educational purposes. The secretary shall have full power and authority over all land transferred to the department, including but not limited to the management of; personnel, production, leasing of the land, facilities and equipment; the making of recommendations for sale with deed restrictions including easements, profits, reservations or covenants limiting land use to agriculture; the purchase of supplies, facilities and equipment, repairs, maintenance, and the sale of agricultural products. Revenue from the leasing of land, facilities and equipment and from the sale of agricultural products shall be remitted to the State Treasurer for payment into a restricted revenue account to be known as the Agricultural Farm Operations Account. Moneys in the account shall be used to pay the costs of operation, repairs, modernization of facilities and equipment, and the purchases of supplies, equipment and facilities.

Section 4. Additional powers and duties of the secretary.

(a) The secretary shall prepare an annual report of the operations, including a list of all receipts and expenditures and shall present it to the advisory committee at the end of each fiscal year.

(b) As authorized or directed by this act, the secretary shall also:

(1) Prepare the annual budget request for the operation of the institutional lands and submit it to the advisory committee and the budget office.

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

(3) Recruit such employees as deemed necessary.

(4) Supervise all employees.

(5) Transfer supplies, equipment, facilities and agricultural products to promote efficiency and improve land management.

(6) Act as agent for the Secretary of General Services in all negotiations for leases, contracts and agreements.

Section 5. Transfers to department; utility continuance.

(a) All land whether or not presently under leasehold interests, previously transferred from the Department of Public Welfare shall be administered in accordance with this act. Land shall be transferred regardless of current leasehold interests. The secretary, as agent for the Secretary of General Services shall administer all leases.

(b) 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 Department of

Agriculture upon approval by the Secretary. Any land so transferred shall be managed under the terms and conditions contained in this act.

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 6. Establishment of land-use division lines; appeal; remedy.

(a) A surveyor shall establish the division lines and plot plans for lands transferred to the department. In establishing the division lines and plot plans, the secretary shall cooperate fully with the Department of General Services and any other affected Commonwealth agency, department or commission.

(b) 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 secretary or his designee and the Commonwealth agency, department, or commission involved in the disagreement shall, within 30 days, appear before the Secretary of General Services for a hearing on the matter. The Secretary of General Services shall decide the matter in all cases.

(c) The secretary shall have the power to make agreements with other Commonwealth agencies, departments and commissions to provide utility services to lands transferred. The advisory committee shall annually recommend to the secretary payment in lieu of taxes to political subdivisions.

Section 7. Transfer of operations.

(a) All moneys paid into the State Treasury under the provisions of this act shall be paid into a restricted revenue account hereby created and to be known as the Agricultural Farm Operations Account.

(b) All appropriations shall be paid into the Agricultural Farm Operations Account.

(c) All moneys in the Agricultural Farm Operations Account shall be used to pay:

(1) All salaries of employees.

(2) All expenses incurred in the performance and administration of this act.

(3) All expenditures for the purchases of supplies, equipment and facilities.

(d) All moneys currently within the existing restricted revenue account known as the Agricultural Farm Operations Account of the Bureau of Rural Affairs shall be transferred to the Agricultural Farm Operations Account.

Section 7.1. Proceeds from the sale of land, equipment or facilities.

(a) Proceeds from the sale of all land, or portions of land, equipment or facilities, transferred to the Department of Agriculture under this act and subsequently disposed of by the Commonwealth under Article XXIV-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, shall, notwithstanding section 623 of The Administrative Code of 1929 or any other provision of the law to the contrary, be credited to the Agricultural Conservation Easement Purchase Fund.

(b) Proceeds from the sale of all land, or portions of land, equipment or facilities at the Woodville State Farm, Collier Township, Allegheny County, and transferred to the Department of Agriculture under this act and subsequently disposed of by the Commonwealth under Article XXIV-A of The Administrative

Code of 1929 shall, notwithstanding any other provision of the law to the contrary, be credited to the Farm Products Show Fund.

(c) Section 623 of The Administrative Code of 1929, relating to disposition of Commonwealth assets, shall not apply to section 7.1(a) of this act insofar as it is inconsistent with this section.

(7.1 reenacted and amended Nov. 23, 1994, P.L.646, No.99)
Section 7.2. Creation of fund.

There is hereby created a special fund in the State Treasury to be known as the Agricultural Conservation Easement Purchase Fund for the purpose of purchasing agricultural conservation easements for the preservation of agricultural land.

(7.2 added May 13, 1988, P.L.398, No.64)
Section 7.3. Agricultural land conservation assistance grant program.

(a) The department, in consultation with the State Agricultural Land Preservation Board, is hereby authorized to use up to \$750,000 of the funds deposited into the Agricultural Conservation Easement Purchase Fund under section 7.1(a) to make grants to counties for the following purposes:

(1) To cover costs incurred by a county in creating a spatial mapping database. Such database shall contain county topographic data, property boundaries, soil boundaries, soil capability classes and soil productivity ratings.

(2) To cover costs incurred by a county to train staff, contract with consultants and pay for computer software.

(3) To assist counties in the development and implementation of agricultural zoning ordinances, including model ordinances for possible adoption by local government units.

(b) Grants made pursuant to subsection (a) shall not exceed the lesser of \$10,000 or 50% of the costs incurred by the county.

(c) A county may submit an application for a grant under this section to the department in such form and manner and containing such documentation as the department, in consultation with the State board, shall prescribe.

(d) The department, in consultation with the State board, shall establish eligibility criteria for awarding grants for the purposes enumerated herein. No county shall be eligible for more than an accumulative total of \$25,000 in grants pursuant to this section. A county which receives a grant pursuant to this section but which fails to implement an agricultural conservation easement purchase program shall be required to repay the grant to the Commonwealth. Any such repayments shall be credited to the Agricultural Conservation Easement Purchase Fund and may be used for the purposes of this section.

(e) The department shall administer the provisions of this section and is authorized, in consultation with the State board, to adopt and promulgate regulations for the administration and enforcement of the provisions of this section.

(7.3 added Nov. 23, 1994, P.L.646, No.99)
Section 8. Leasing provisions.

(a) The secretary as agent for the Secretary of General Services may enter into leases for the rental of land, equipment and facilities. The lease may not exceed five years in duration. Options may be granted at any time during the term of the lease, but shall not exceed a duration of five years.

(b) The secretary, as agent for the Secretary of General Services, shall give preference to young farm families who wish to begin a career in agriculture in the letting of any lease

for land under this act: Provided, That nothing herein shall prohibit the secretary from:

(1) Restricting any such lease to allow the limited use of the land or buildings by educational institutions or by farm youth organizations.

(2) Excluding from any such lease a limited part of the land or a building or buildings in order to allow the excluded property to be used by educational institutions or by farm youth organizations. The secretary shall set standards, criteria and other qualifications for applicants who wish to enter into a lease for land. These standards, criteria and qualifications shall be established by regulation through the Department of Agriculture.

Section 9. Effective date.

This act shall take effect immediately.