

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 111

Session of
1977

INTRODUCED BY MESSRS. YAHNER, MORRIS, THOMAS, FRYER, ZELLER,
STUBAN, WENGER, STAIRS, D. R. WRIGHT, MADIGAN, SHUMAN,
W. W. FOSTER, KLINGAMAN, DeVERTER, COLE AND WILT,
FEBRUARY 8, 1977

REFERRED TO COMMITTEE ON AGRICULTURE, FEBRUARY 8, 1977

AN ACT

1 Restricting the right to condemn prime agricultural lands for
2 certain purposes.

3 WHEREAS, Because of the acute shortage of good agricultural
4 land, the Pennsylvania Constitution has been amended, namely,
5 Article VIII, section 2(b) (i), to authorize establishment of
6 standards and qualifications for land used for agricultural
7 purposes and the making of special provisions for the taxation
8 of such land; and

9 WHEREAS, the General Assembly realizes that, in years to
10 come, the tremendous pressure against maintaining the total
11 acreage of good agricultural lands will continually increase so
12 that it is necessary now to further implement the provisions of
13 Article VIII, section 2 (b) (i) of the Pennsylvania
14 Constitution; therefore

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

17 Section 1. Neither the Commonwealth of Pennsylvania, nor any

1 of its political subdivisions, agencies or authorities shall,
2 for highway purposes or for the disposal of solid or liquid
3 waste material, condemn Class I, Class II or Class III
4 agricultural lands as classified by the Agricultural Soil
5 Conservation Service of the United States Department of
6 Agriculture, unless a committee made up of six members,
7 consisting of the Director of the Office of State Planning and
8 Development, or his designee, the Secretary of Agriculture, or
9 his designee, the Secretary of Environmental Resources, or his
10 designee, the Secretary of Transportation, or his designee, and
11 two active farmers appointed by the Governor, with the advice
12 and consent of a majority of the Senate, for a term of four
13 years, determines that there is no feasible and prudent
14 alternative.

15 The Director of the Office of State Planning and Development
16 shall be chairman or such committee and shall convene the
17 committee from time to time as needed to implement this act.

18 The farm members of the committee shall be reimbursed for
19 actual expenses incurred in the performance of their duties.
20 Such expenses and any others incurred by the committee shall be
21 paid for from appropriations made to the Office of State
22 Planning and Development.

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