

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 276

Session of
1979

INTRODUCED BY STAPLETON, LINCOLN, O'PAKE, ANDREWS, CORMAN,
MOORE, KUSSE, KURY AND HESS, FEBRUARY 20, 1979

AS AMENDED ON THIRD CONSIDERATION, APRIL 24, 1979

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 Constitution of Pennsylvania 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 Constitution of
14 Pennsylvania; therefore

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

17 Section 1. Condemnation restricted.

18 Neither the Commonwealth of Pennsylvania, nor any of its

1 political subdivisions, agencies or authorities shall, for
2 highway purposes, BUT NOT INCLUDING ACTIVITIES RELATING TO <—
3 EXISTING HIGHWAYS SUCH AS, BUT NOT LIMITED TO, WIDENING
4 ROADWAYS, RECONSTRUCTION OR THE ELIMINATION OF CURVES, or for
5 the disposal of solid or liquid waste material, BUT NOT <—
6 INCLUDING UNDERGROUND PIPES USED TO TRANSPORT WASTE, condemn
7 Class I, Class II or Class III agricultural lands as classified
8 by the Agricultural Soil Conservation Service of the United
9 States Department of Agriculture, unless a committee made up of
10 six members, consisting of the director of the Office of State
11 Planning and Development, or his designee, the Secretary of
12 Agriculture, or his designee, the Secretary of Environmental
13 Resources, or his designee, the Secretary of Transportation, or
14 his designee, and two active farmers appointed by the Governor,
15 with the advice and consent of a majority of the Senate, for a
16 term of four years, determines that there is no feasible and
17 prudent alternative.

18 The director of the Office of State Planning and Development
19 shall be chairman of such committee and shall convene the
20 committee from time to time as needed to implement this act.

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

26 Section 2. Effective date.

27 This act shall take effect in 60 days.