

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1283 Session of 1982

INTRODUCED BY HELFRICK, STAPLETON, RHOADES, MOORE, CORMAN, HESS, WILT, O'PAKE, SHAFFER, ROSS, SNYDER, ANDREZESKI, MANBECK AND PECORA, JANUARY 20, 1982

AS AMENDED ON SECOND CONSIDERATION, MARCH 29, 1982

AN ACT

1 Providing for ~~a Lands Management Commission~~ THE ADMINISTRATION <—  
2 OF CERTAIN COMMONWEALTH FARMLAND within the Department of  
3 Agriculture.

4 WHEREAS, The General Assembly hereby finds and declares that  
5 in order to ensure economic and efficient land use, increase and  
6 improve production and provide food, Commonwealth lands may be  
7 transferred to the ~~Lands Management Commission~~ PENNSYLVANIA <—

8 DEPARTMENT OF AGRICULTURE AND ADVISORY COMMITTEE APPOINTED BY  
9 THE DEPARTMENT OF AGRICULTURE as is provided by this act; and

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

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

16 THEREFORE, The General Assembly hereby ~~creates a Lands~~ <—

17 ~~Management Commission~~ INSTRUCTS THE DEPARTMENT OF AGRICULTURE, <—

18 in order to hold these lands in public trust, to ensure economic

1 and efficient land use, to increase and improve production of  
2 agricultural products, and to provide an opportunity for young  
3 farm families to begin agricultural careers.

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

6 Section 1. Definitions.

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

10 "ADVISORY COMMITTEE." THE ADVISORY COMMITTEE ESTABLISHED BY <—  
11 THIS ACT SHALL ADVISE THE SECRETARY OF AGRICULTURE AS TO  
12 APPROPRIATE ACTIONS CONSISTENT WITH SOUND HUSBANDRY, EFFICIENT  
13 MANAGEMENT OF RESOURCES AND DECISIONS CONSISTENT WITH THE  
14 COMMONWEALTH'S POLICY OF AGRICULTURAL PRESERVATION OF LANDS  
15 ADMINISTERED BY THE DEPARTMENT OF AGRICULTURE UNDER THE  
16 PROVISIONS OF THIS ACT.

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

25 ~~"Commission." The Lands Management Commission within the <—~~  
26 ~~Department of Agriculture which is established by this act for~~  
27 ~~administrative purposes.~~

28 "DEPARTMENT." THE PENNSYLVANIA DEPARTMENT OF AGRICULTURE. <—

29 "Land-use facility." Any processing plant, milking stable,  
30 institution equipment storage building, barn, silo, grain

1 storage building, swinery or any other building owned by an  
2 agency, department or commission of the Commonwealth used in its  
3 land-use production and maintenance operations and transferred  
4 to the ~~commission~~ DEPARTMENT as provided in this act. <—

5 "SECRETARY." THE SECRETARY OF THE PENNSYLVANIA DEPARTMENT OF <—  
6 AGRICULTURE.

7 Section 2. ~~Lands Management Commission~~ ADVISORY COMMITTEE <—  
8 established; composition; quorum.

9 There is hereby established within the Department of  
10 Agriculture a ~~Lands Management Commission~~ AN ADVISORY COMMITTEE <—  
11 composed of nine members as follows; ~~the Secretary of~~ <—  
12 ~~Agriculture~~ THE DIRECTOR OF THE BUREAU OF RURAL AFFAIRS OF THE <—  
13 DEPARTMENT OF AGRICULTURE who shall be chairman, the Secretary  
14 of General Services, ~~the Governor or his designee, the Director~~ <—  
15 ~~of the Bureau of Rural Affairs of the Department of Agriculture,~~  
16 OR HIS DESIGNEE, the Chairman of the House Agriculture <—  
17 Committee, the Chairman of the Senate Agriculture Committee and  
18 ~~three~~ FIVE farmers appointed from a list of names submitted to <—  
19 the ~~Governor~~ SECRETARY by chartered farm organizations. The <—  
20 terms of the farmer members shall be for six years. The terms  
21 shall be staggered and one member shall be appointed every two  
22 years. The initial appointments of farmer members shall be for  
23 terms of two, four and six years. No business may be transacted  
24 by the ~~commission~~ COMMITTEE in the absence of a quorum which <—  
25 consists of five members. The ~~commission~~ COMMITTEE shall <—  
26 annually file a report at the end of the fiscal year with the  
27 Governor and the members of the General Assembly.

28 Section 3. Powers, duties and responsibilities of the  
29 ~~commission~~ SECRETARY. <—

30 The ~~commission~~ SECRETARY shall manage lands for the most <—

1 efficient production of agricultural products, and provide land  
2 and facilities for agricultural research and educational  
3 purposes. The ~~commission~~ SECRETARY shall have full power and <—  
4 authority over all land transferred ~~or sold to it~~ TO THE <—  
5 DEPARTMENT, including but not limited to the management of;  
6 personnel, production, leasing of the land, facilities and  
7 equipment; the making of recommendations for sale with deed  
8 restrictions including easements, profits, reservations or  
9 covenants limiting land use to agriculture; the purchase of  
10 supplies, facilities and equipment, repairs, maintenance, and  
11 the sale of agricultural products. Revenue from the leasing of  
12 land, facilities and equipment and from the sale of agricultural  
13 products shall be remitted to the State Treasurer for payment  
14 into a ~~Lands Management Commission Fund as provided by section~~ <—  
15 ~~7. Moneys in the Lands Management Commission Fund shall be used~~  
16 ~~by the commission~~ RESTRICTED REVENUE ACCOUNT TO BE KNOWN AS THE <—  
17 AGRICULTURAL FARM OPERATIONS ACCOUNT. MONEYS IN THE ACCOUNT  
18 SHALL BE USED to pay the costs of operation, repairs,  
19 modernization of facilities and equipment, and the purchases of  
20 supplies, equipment and facilities.

21 Section 4. ~~Appointment of Land Management Director; qualifica-~~ <—  
22 ~~tions; powers and duties.~~ ADDITIONAL POWERS AND <—  
23 DUTIES OF THE SECRETARY.

24 (a) The secretary, ~~upon approval by the commission, shall~~ <—  
25 ~~appoint a Land Management Director. The Land Management Director~~  
26 ~~is responsible for conducting the operation of the lands and~~  
27 ~~shall be supervised by the Secretary of Agriculture. He shall~~  
28 prepare an annual report of the operations, including a list of  
29 all receipts and expenditures and shall present it to the  
30 ~~commission~~ ADVISORY COMMITTEE at the end of each fiscal year. <—

1 (b) As authorized or directed by ~~the commission, the Land~~ <—  
2 ~~Management Director~~ THIS ACT, THE SECRETARY shall also: <—  
3 (1) Prepare the annual budget request for the operation  
4 of the institutional lands and submit it to the ~~commission~~ <—  
5 ~~for approval and submission to~~ ADVISORY COMMITTEE AND the <—  
6 budget office.  
7 (2) Receive and approve all requisitions for supplies,  
8 equipment and facilities.  
9 (3) ~~Recruit assistant managers to supervise each~~ <—  
10 ~~operation, if necessary.~~ RECRUIT SUCH EMPLOYEES AS DEEMED <—  
11 NECESSARY.  
12 ~~(4) Implement all orders of the commission.~~ <—  
13 ~~(5) (4) Supervise all other employees of the commission.~~ <—  
14 ALL EMPLOYEES. <—  
15 ~~(6) (5) Transfer supplies, equipment, facilities and~~ <—  
16 agricultural products to promote efficiency and improve land  
17 management.  
18 ~~(7) (6) Act as commission agent~~ AGENT FOR THE SECRETARY <—  
19 OF GENERAL SERVICES in all negotiations for leases, contracts  
20 and agreements.  
21 Section 5. Transfers to ~~commission~~ DEPARTMENT; utility <—  
22 continuance.  
23 (a) All land whether or not presently under leasehold  
24 interests, previously transferred ~~to the Department of~~ <—  
25 ~~Agriculture~~ from the Department of Public Welfare ~~is transferred~~ <—  
26 ~~to the commission.~~ SHALL BE ADMINISTERED IN ACCORDANCE WITH THIS <—  
27 ACT. Land shall be transferred regardless of current leasehold  
28 interests. The ~~commission~~ SECRETARY, AS AGENT FOR THE SECRETARY <—  
29 OF GENERAL SERVICES shall administer all leases.  
30 (b) Land, together with all easements, mineral rights,

1 appurtenances, equipment, agricultural products, inventories,  
2 and facilities thereon or attached thereto, may be transferred  
3 by an agency, board or commission to the ~~commission upon its~~ <—  
4 ~~approval~~ DEPARTMENT OF AGRICULTURE UPON APPROVAL BY THE <—  
5 SECRETARY. Any land so transferred shall be managed ~~by the~~ <—  
6 ~~commission~~ under the terms and conditions contained in this act.  
7 Section 6. Establishment of land use division lines; appeal; ~~to~~ <—  
8 ~~commission;~~ remedy.

9 (a) ~~The Land Management Director shall employ a surveyor to~~ <—  
10 A SURVEYOR SHALL establish the division lines and plot plans for <—  
11 lands transferred to the ~~Commission~~ DEPARTMENT. In establishing <—  
12 the division lines and plot plans, the Land Management Director  
13 shall cooperate fully with the Department of General Services  
14 and any other affected Commonwealth agency, department or  
15 commission.

16 (b) In the event of disagreement over the placement of a  
17 division line, the construction of a plot plan or the  
18 disposition of equipment, supplies and facilities, the Land  
19 Management Director and the Commonwealth agency, department, or  
20 commission involved in the disagreement shall, within 30 days,  
21 appear before the ~~commission~~ SECRETARY OF GENERAL SERVICES for a <—  
22 hearing on the matter. The ~~commission~~ SECRETARY OF GENERAL <—  
23 SERVICES shall decide the matter in all cases.

24 (c) The ~~commission~~ SECRETARY shall have the power to make <—  
25 agreements with other Commonwealth agencies, departments and  
26 commissions to provide utility services to lands transferred ~~to~~ <—  
27 ~~the commission~~. The executive director shall annually recommend  
28 to the ~~board~~ SECRETARY payment in lieu of taxes to political <—  
29 subdivisions. ~~by the commission.~~ <—

30 Section 7. Transfer of operations.

1 (a) All moneys paid into the State Treasury under the  
2 provisions of this act shall be paid into a ~~special fund~~ <—  
3 RESTRICTED REVENUE ACCOUNT hereby created and to be known as the <—  
4 ~~Lands Management Commission Fund.~~ AGRICULTURAL FARM OPERATIONS <—  
5 ACCOUNT.

6 (b) All appropriations shall be paid into the ~~Lands~~ <—  
7 ~~Management Commission Fund.~~ AGRICULTURAL FARM OPERATIONS <—  
8 ACCOUNT.

9 (c) All moneys in the ~~Lands Management Commission Fund~~ <—  
10 AGRICULTURAL FARM OPERATIONS ACCOUNT shall be used to pay: <—

11 (1) All salaries of ~~the employees of the commission.~~ <—  
12 EMPLOYEES. <—

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

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

17 (d) All moneys currently within the EXISTING restricted <—  
18 revenue account known as the Agricultural Farm Operations  
19 Account of the Bureau of Rural Affairs shall be transferred to  
20 the ~~Lands Management Commission Fund.~~ AGRICULTURAL FARM <—  
21 OPERATIONS ACCOUNT.

22 ~~Section 8. Rules and regulations.~~ <—

23 ~~The commission shall adopt rules and regulations to carry out~~  
24 ~~the provisions, intent and purpose of this act.~~

25 Section 9 8. Leasing provisions. <—

26 (a) The commission may enter into leases for the rental of  
27 land, equipment and facilities. The lease may not exceed five  
28 years in duration. ~~The commission may grant options to renew~~ <—  
29 ~~leases at anytime during the term of lease. Options to renew a~~  
30 ~~lease shall not exceed a duration of five years.~~ OPTIONS MAY BE <—

1 GRANTED AT ANY TIME DURING THE TERM OF THE LEASE, BUT SHALL NOT  
2 EXCEED A DURATION OF FIVE YEARS.

3 (b) The ~~commission~~ SECRETARY, AS AGENT FOR THE COMMONWEALTH, ←  
4 shall give preference to young farm families who wish to begin a  
5 career in agriculture in the letting of any lease for land under  
6 this act. The commission shall set standards, criteria and other  
7 qualifications for applicants who wish to enter into a lease for  
8 land. These standards, criteria and qualifications shall be  
9 established by regulation through the Department of Agriculture.

10 Section ~~10~~ 9. Effective date. ←

11 This act shall take effect immediately.