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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 507 Session of  
2013

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INTRODUCED BY DINNIMAN, RAFFERTY, FONTANA, WAUGH, KITCHEN,  
COSTA, ERICKSON, WASHINGTON, BREWSTER, YUDICHAK AND  
McILHINNEY, FEBRUARY 26, 2013

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REFERRED TO AGRICULTURE AND RURAL AFFAIRS, FEBRUARY 26, 2013

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AN ACT

1 Amending the act of June 30, 1981 (P.L.128, No.43), entitled "An  
2 act authorizing the creation of agricultural areas," further  
3 providing for limitation on certain governmental actions.

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

6 Section 1. Section 13(a) and (b) of the act of June 30, 1981  
7 (P.L.128, No.43), known as the Agricultural Area Security Law,  
8 amended May 15, 2006 (P.L.190, No.46), are amended to read:

9 Section 13. Limitation on certain governmental actions.

10 (a) Approval required for condemnation and for certain other  
11 actions by an agency of the Commonwealth.--No agency of the  
12 Commonwealth having or exercising powers of eminent domain shall  
13 condemn for any purpose any land within any agricultural  
14 security area which land is being used for productive  
15 agricultural purposes (not including the growing of timber)  
16 unless prior approval has been obtained in accordance with the  
17 criteria and procedures established in this section from the  
18 Agricultural Lands Condemnation Approval Board as established in

1 section 306 of the act of April 9, 1929 (P.L.177, No.175), known  
2 as "The Administrative Code of 1929." [The] Excepting a county  
3 of the first class, a county of the second class or a county of  
4 the third class, the condemnation approval specified by this  
5 subsection shall not be required for an underground public  
6 utility facility that does not permanently impact the tilling of  
7 soil or for any facility of an electric cooperative corporation  
8 or for any public utility facility the necessity for and the  
9 propriety and environmental effects of which has been reviewed  
10 and ratified or approved by the Pennsylvania Public Utility  
11 Commission or the Federal Energy Regulatory Commission. In  
12 addition, all State-funded development projects which might  
13 affect land in established agricultural security areas shall be  
14 reviewed by the appropriate local agricultural advisory  
15 committee and by the Agricultural Lands Condemnation Approval  
16 Board. Each reviewing body may suggest any modification to the  
17 State-funded development projects which ensures the integrity of  
18 the agricultural security areas against nonfarm encroachment.

19 (b) Approval required for condemnation by a political  
20 subdivision, authority, public utility or other body.--No  
21 political subdivision, authority, public utility or other body  
22 having or exercising powers of eminent domain shall condemn any  
23 land within any agricultural security area for any purpose,  
24 unless prior approval has been obtained from Agricultural Lands  
25 Condemnation Approval Board and from each of the following  
26 bodies: the governing bodies of the local government units  
27 encompassing the agricultural security area, the county  
28 governing body, and the Agricultural Security Area Advisory  
29 Committee. Review by the Agricultural Lands Condemnation  
30 Approval Board and the other indicated bodies shall be in

1 accordance with the criteria and procedures established in this  
2 section. [The] Excepting a county of the first class, a county  
3 of the second class or a county of the third class, the  
4 condemnation approvals specified by this subsection shall not be  
5 required for an underground public utility facility that does  
6 not permanently impact the tilling of soil or for any facility  
7 of an electric cooperative corporation or for any public utility  
8 facility the necessity for and the propriety and environmental  
9 effects of which has been reviewed and ratified or approved by  
10 the Pennsylvania Public Utility Commission or the Federal Energy  
11 Regulatory Commission, regardless of whether the right to  
12 establish and maintain such underground or other public utility  
13 facility is obtained by condemnation, or by agreement with the  
14 owner.

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