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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 803 Session of  
2015

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INTRODUCED BY DINNIMAN, RAFFERTY AND SCHWANK, MAY 14, 2015

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REFERRED TO AGRICULTURE AND RURAL AFFAIRS, MAY 14, 2015

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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  
19 section 306 of the act of April 9, 1929 (P.L.177, No.175), known

1 as "The Administrative Code of 1929." [The] Except for a county  
2 of the first class, a county of the second class, a county of  
3 the second class A or a county of the third class, the  
4 condemnation approval 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. In addition, all State-funded development  
12 projects which might affect land in established agricultural  
13 security areas shall be reviewed by the appropriate local  
14 agricultural advisory committee and by the Agricultural Lands  
15 Condemnation Approval Board. Each reviewing body may suggest any  
16 modification to the State-funded development projects which  
17 ensures the integrity of the agricultural security areas against  
18 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, a county of the second class A or a county  
4 of the third class, the condemnation approvals 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,  
12 regardless of whether the right to establish and maintain such  
13 underground or other public utility facility is obtained by  
14 condemnation, or by agreement with the owner.

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