
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2607 Session of
2018

INTRODUCED BY PHILLIPS-HILL, KAUFFMAN, BARRAR, MILLARD, MOUL,
ROTHMAN, SAYLOR, WARD AND ZIMMERMAN, SEPTEMBER 5, 2018

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
SEPTEMBER 5, 2018

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 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 condemnation approval
3 specified by this subsection shall not be required for an
4 underground public utility facility that does not permanently
5 impact the tilling of soil or for any facility of an electric
6 cooperative corporation or for any public utility facility the
7 necessity for and the propriety and environmental effects of
8 which has been reviewed and ratified or approved by the
9 Pennsylvania Public Utility Commission or the Federal Energy
10 Regulatory Commission.] In addition, all State-funded
11 development projects which might affect land in established
12 agricultural security areas shall be reviewed by the appropriate
13 local agricultural advisory committee and by the Agricultural
14 Lands Condemnation Approval Board. Each reviewing body may
15 suggest any modification to the State-funded development
16 projects which ensures the integrity of the agricultural
17 security areas against nonfarm encroachment.

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

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

12 * * *

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