
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1720 Session of
2021

INTRODUCED BY STAMBAUGH, HAMM, MILLARD AND ZIMMERMAN,
JULY 19, 2021

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
JULY 19, 2021

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; providing for judicial administration; and
18 prescribing the manner in which the number and compensation
19 of the deputies and all other assistants and employes of
20 certain departments, boards and commissions shall be
21 determined," in organization of independent administrative
22 boards and commissions, further providing for Agricultural
23 Lands Condemnation Approval Board.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 Section 1. Section 306(a), (c) and (d)(1) of the act of
27 April 9, 1929 (P.L.177, No.175), known as The Administrative
28 Code of 1929, are amended to read:

1 Section 306. Agricultural Lands Condemnation Approval
2 Board.--(a) The Agricultural Lands Condemnation Approval Board
3 is hereby created as an independent administrative board and
4 shall be made up of six (6) members, consisting of the Director
5 of the Office of Policy and Planning, or his designee, the
6 Secretary of Agriculture, or his designee, the Secretary of
7 Environmental [Resources] Protection, or his designee, the
8 Secretary of Transportation, or his designee, and two active
9 farmers appointed by the Governor, with the advice and consent
10 of a majority of the Senate, for a term of four (4) years. The
11 Secretary of Agriculture may select an alternate active farmer
12 to serve in the absence of a farmer member of the board. An
13 alternate active farmer shall serve for the appointed term of a
14 farmer member of the board. A person may not serve as an
15 alternate active farmer for more than one farmer member of the
16 board. The Secretary of Agriculture shall be chairman of such
17 [committee] board and shall convene the [committee] board from
18 time to time as needed to carry out its duties. The [farm]
19 farmer members of the [committee] board and alternate active
20 farmers shall be reimbursed for actual expenses incurred in the
21 performance of their duties. Such expenses and any others
22 incurred by the [committee] board shall be paid for from
23 appropriations made to the [Office of State Planning and
24 Development] State Planning Board.

25 * * *

26 (c) The board shall have sixty (60) days in which to
27 determine whether there is a feasible and prudent alternative to
28 the condemnation. If the board determines that there is no
29 feasible and prudent alternative, or if the board fails to act
30 within sixty (60) days of receipt of the request, the requesting

1 body may proceed to condemn; otherwise, the condemnation shall
2 not be effected. The failure of the chairman to convene a
3 meeting of the board shall not constitute a failure to act on a
4 condemnation request.

5 (d) The board shall have jurisdiction over condemnation for
6 the following purposes:

7 (1) Highway purposes[, but not including activities relating
8 to existing highways such as, but not limited to, widening
9 roadways, the elimination of curves or reconstruction].

10 * * *

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