

Veto No. 23

HB 2145

November, 26, 1978

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I return herewith, without my signature, House Bill No. 2145, Printer's No. 3888, entitled, "An act authorizing the creation of agricultural districts," for the following reasons.

This bill has the desirable aim of preserving good agricultural land for agricultural purposes. That was the purpose of the Clean and Green Amendment to the State Constitution which was supported by my Administration.

However, this bill creates agricultural districts of 500 acres or more in which there is a drastic reduction in and limitation on activity by local government, the Commonwealth and certain condemnors.

It is these limitations on legitimate governmental concerns which compel me to disapprove this bill. These limitations have the effect of making agricultural districts "extra special" for government purposes and which by implication and treatment create independent agricultural sovereignties which are intolerable in our democratic form of government.

By the terms of the bill, no municipality or political subdivision shall exercise any of its powers to enact local laws or ordinances within an agricultural district in a manner which could unreasonably restrict or regulate farm structures or farming practices in contravention of the purposes of the act unless such restrictions or regulations bear a direct relationship to the public health or safety.

By the terms of this bill it shall be the policy of all Commonwealth agencies to encourage the maintenance of viable farming in agricultural districts and their administrative regulations and procedures shall be modified to this end insofar as is consistent with the promotion of public health and safety, and with the provisions of any Federal statutes, standards, et cetera.

By the terms of this bill no agency of the Commonwealth, political subdivision authority, public utility or other body having or exercising powers of eminent domain shall condemn any land within any agricultural district for any purpose unless prior approval has been obtained from each of several bodies.

As one can ascertain from a close reading of the intent of this bill, agricultural districts are to be treated differently from other land in the Commonwealth. These differences provide unforeseen complications far beyond the implications of the framers of the document — which complications will completely impede normal development of farming areas — development which might not otherwise affect viable agricultural land. While I agree that there is a problem of the preservation of agricultural land, I cannot agree to place this land into special parcel for

rich agricultural land owners without check of normal government processes and normal economic development.

For these reasons I withhold my approval of House Bill No. 2145.

MILTON J. SHAPP