

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 453 Session of 2023

INTRODUCED BY STAMBAUGH AND ZIMMERMAN, MARCH 16, 2023

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 16, 2023

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(d) (1) and (2) of the act of June 30,
 7 1981 (P.L.128, No.43), known as the Agricultural Area Security
 8 Law, are amended to read:

9 Section 13. Limitation on certain governmental actions.

10 * * *

11 (d) Review by Agricultural Lands Condemnation Approval Board
 12 and other bodies.--

13 (1) Upon receipt of such notice the Agricultural Lands
 14 Condemnation Approval Board and the bodies provided for in
 15 subsection (b) [jointly] shall each review the proposed
 16 condemnation in accordance with the applicable criteria
 17 established in paragraph (2).

18 (2) (i) In the case of condemnation for highway
 19 purposes [(but not including activities relating to existing

1 highways such as, but not limited to, widening roadways, the
2 elimination of curves or reconstruction, for which no
3 approval is required)] and in the case of condemnation for
4 the disposal of solid or liquid waste material, the
5 Agricultural Lands Condemnation Approval Board or other
6 appropriate reviewing body shall approve the proposed
7 condemnation only if it determines there is no reasonable and
8 prudent alternative to the utilization of the land within the
9 agricultural security area for the project.

10 (ii) In all other cases not otherwise specifically
11 provided for, the Agricultural Lands Condemnation
12 Approval Board or other appropriate reviewing body shall
13 approve the proposed condemnation only if it determines
14 that:

15 (A) the proposed condemnation would not have an
16 unreasonably adverse [affect] effect upon the
17 preservation and enhancement of agriculture or
18 municipal resources within the area or upon the
19 environmental and comprehensive plans of the county,
20 municipality and the Commonwealth, or upon the goals,
21 resource plans, policies or objectives thereof; or

22 (B) there is no reasonable and prudent
23 alternative to the utilization of the lands within
24 the agricultural security area for the project.

25 * * *

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