
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1721 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 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

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

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

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

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

26 * * *

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