

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 452 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 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:

29 Section 306. Agricultural Lands Condemnation Approval

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

24 * * *

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

1 not be effected. The failure of the chairman to convene a
2 meeting of the board shall not constitute a failure to act on a
3 condemnation request.

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

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

9 * * *

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