

Shapp vetoed agricultural districting bill

HARRISBURG - Outgoing Pennsylvania Governor Milton Shapp says he sees a need for the preservation of farmland, but adds he cannot agree "to place this land into special parcel for rich agricultural land owners without check of normal government processes and normal economic development." Those are the words the governor used in a letter dated Nov. 26, 1978 in which he failed to approve House Bill 2145, which was designed to create agricultural districts in the Keystone State. The measure was generally regarded as good legislation and had the recommendation of State Agriculture Secretary Kent Shelhamer, as well as a number of farmers, conservationists, and farm organizations.

State representative Samuel Morris of Chester County, who was the initial sponsor of H.B. 2145, gives the following account of the bill and the Governor's veto:

"At the end of this Legislative Session, Governor Shapp has unjustifiably vetoed House Bill 2145 which for the first time in Pennsylvania would have provided a means whereby farmers, with the approval of their local townships, could have voluntarily formed Agricultural Districts to preserve their land for agricultural production. The reasons given in his veto message are pure 'cock and bull'.

"This legislation, which had the support of both the Pennsylvania Farmers Association and the Grange, would have assured the farmers that their land could remain in active production for at least eight years without being forced out by unreasonable governmental restrictions respecting farm structures or practices, unless for the protection of the public health and safety, and from any governmental exercise of eminent domain which would have an unreasonably adverse effect upon agriculture in the district, when there was a reasonable or prudent alternative available. There have been incidents in the last few years which illustrate the very real dangers to agriculture by both these kinds of governmental actions.

"The bill also made it a policy for the Commonwealth to encourage the maintenance of viable farming in these Agricultural Districts and to conform the regulations of Commonwealth agencies to this end. It would have been a positive step in our state toward preserving agricultural land and to give our farmers the confidence they need to make long term investments to modernize their operations and remain economically competitive.

"The bill was firmly based on the solid foundation of a similar law in New York state which has been highly successful and satisfactory to all segments of society," Morris said.

He added, "The new federally sponsored highways have taken a serious toll of agricultural land and while farmers do not complain that these highways are not needed, they would like to see them located where they could be less damaging to agriculture.

"More recently, proposed landfills have been a serious threat to agriculture in Chester, York and Lancaster Counties. H.B. 2145 would have obviated much of this threat in cases where the landfill would have been operated by a government authority.

"The last statement in the Governor's veto message is so far from reality", Morris stated, "as to be ridiculous and is an insult to our farmers. The reason given by the Governor for the veto is 'I cannot agree to place this land into special parcel for rich agricultural landowners without check of normal government processes...' To the agricultural community, this statement concerning 'rich farmers' would be laughable if it did not indicate total insensitivity to the real problems of Pennsylvania's second largest industry, and the precarious economic situation of most farmers.

"I can only add that Governor Shapp has been a great disappointment to me for a good many years. I broke with him long ago when he failed to fulfill a promise to save Chesterbrook for Valley Forge Park. Coming on top of my own defeat, this is the last straw particularly when my opposition gained some votes by associating me with Shapp, which was an absolutely untrue implication."

Representative Morris also noted that a number of legislators, both House members and Senators, who represent agricultural areas, voted against H.B. 2145. "It would be well for the farmers to check more carefully on the votes of their legislators to find out whether they really are voting for their farming constituents or not."

The Governor's Reply

Governor Shapp, in his written reply and denial to the Pennsylvania House of Representatives, commented:

"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."

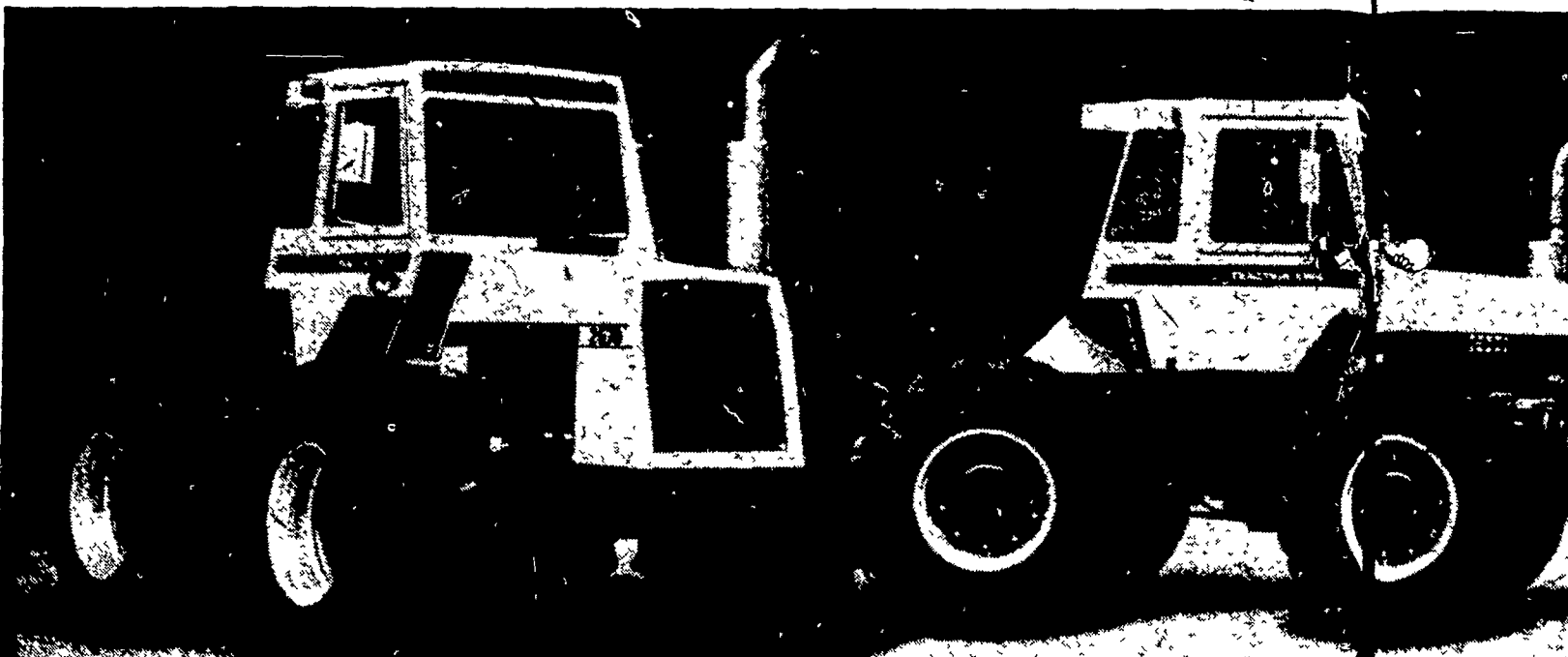
"By the terms of this bill no agency of the Commonwealth, political subdivision authority, public utility or other body having or exercising powers of eminent

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Governor Milton Shapp doesn't think "rich agricultural land owners" need special treatment to protect their farms.



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