

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2413 Session of
2006

INTRODUCED BY BASTIAN, ARMSTRONG, BOYD, BUNT, CALTAGIRONE,
CAPPELLI, CLYMER, CRAHALLA, CREIGHTON, DALLY, DeWEESE,
FRANKEL, FREEMAN, GEIST, GILLESPIE, GINGRICH, GODSHALL,
GRUCELA, HALUSKA, HARHAI, HARPER, HARRIS, HENNESSEY, HERMAN,
HERSHEY, HUTCHINSON, M. KELLER, KOTIK, MANDERINO, MARSICO,
McILHATTAN, R. MILLER, S. MILLER, MYERS, PAYNE, RAPP,
REICHLEY, ROSS, RUBLEY, SATHER, SAYLOR, SIPTROTH, B. SMITH,
SOLOBAY, SONNEY, STERN, STURLA, SURRA, THOMAS, WALKO, WATSON,
YOUNGBLOOD AND YUDICHAK, JANUARY 31, 2006

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
JANUARY 31, 2006

AN ACT

1 Amending the act of December 19, 1974 (P.L.973, No.319),
2 entitled "An act prescribing the procedure under which an
3 owner may have land devoted to agricultural use, agricultural
4 reserve use, or forest reserve use, valued for tax purposes
5 at the value it has for such uses, and providing for
6 reassessment and certain interest payments when such land is
7 applied to other uses and making editorial changes," further
8 providing for split-off, separation or transfer.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 6 of the act of December 19, 1974
12 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest
13 Land Assessment Act of 1974, is amended by adding subsections to
14 read:

15 Section 6. Split-off, Separation or Transfer.--* * *

16 (b.4) The owner of property subject to preferential
17 assessment may lease land covered by the preferential assessment

1 to be used for a wind power generation system when the following
2 conditions are satisfied:

3 (1) The tract of land so leased is accessible.

4 (2) The tract of land is not sold or subdivided. A lease of
5 land shall not be considered a subdivision under this paragraph.

6 (b.5) Roll-back taxes shall be imposed upon the tract of
7 land leased by the landowner for wind power generation system
8 purposes, and the fair market value of that tract of land shall
9 be adjusted accordingly. The lease of a tract of land shall not
10 invalidate the preferential assessment of the land which is not
11 leased, and the land shall continue to be eligible for
12 preferential assessment if it continues to meet the requirements
13 of section 3.

14 (b.6) The wind power generation system provider shall be
15 solely responsible for obtaining required permits in connection
16 with any construction on a tract of land which it leases under
17 this section for wind power generation purposes. No permit
18 requested pursuant to this section shall be denied by a
19 municipality for any reason other than failure to strictly
20 comply with permit application procedures.

21 * * *

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