

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2228 Session of 2012

INTRODUCED BY SONNEY, ELLIS, EVANKOVICH, FLECK, GERGELY,
GODSHALL, HARKINS, HELM, HORNAMAN, MILLARD, PAYTON, SWANGER
AND FABRIZIO, FEBRUARY 29, 2012

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS, FEBRUARY
29, 2012

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 definitions and for the purchase of
4 agricultural conservation easements.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 3 of the act of June 30, 1981 (P.L.128,
8 No.43), known as the Agricultural Area Security Law, is amended
9 by adding a definition to read:

10 Section 3. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section, unless the
13 context clearly indicates otherwise:

14 * * *

15 "Wind power generation system." A system designed to collect
16 and utilize wind power, including the foundation of a wind
17 turbine and appurtenant structures, including, but not limited
18 to, new roads and bridges, transmission lines, substations and

1 other related buildings or structures.

2 Section 2. Section 14.1(c)(6) of the act, amended July 7,
3 2011 (P.L.247, No.44), is amended to read:
4 Section 14.1. Purchase of agricultural conservation easements.

5 * * *

6 (c) Restrictions and limitations.--An agricultural
7 conservation easement shall be subject to the following terms,
8 conditions, restrictions and limitations:

9 * * *

10 (6) An agricultural conservation easement shall not
11 prevent:

12 (i) The granting of leases, assignments or other
13 conveyances or the issuing of permits, licenses or other
14 authorization for the exploration, development, storage
15 or removal of coal or noncoal minerals by underground
16 mining methods, oil and gas by the owner of the subject
17 land or the owner of the underlying coal or noncoal
18 minerals by underground mining methods, oil and gas or
19 the owner of the rights to develop the underlying coal or
20 noncoal minerals by underground mining methods, oil and
21 gas, or the development of appurtenant facilities related
22 to the removal of coal or noncoal minerals by underground
23 mining methods, oil or gas development or activities
24 incident to the removal or development of such minerals.

25 (ii) The granting of rights-of-way by the owner of
26 the subject land in and through the land for a wind power
27 generation system or for the installation of,
28 transportation of, or use of water, sewage, electric,
29 telephone, coal or noncoal minerals by underground mining
30 methods, gas, oil or oil products lines.

1 (iii) Construction and use of structures on the
2 subject land necessary for agricultural production or a
3 commercial equine activity.

4 (iv) Construction and use of structures on the
5 subject land for the landowner's principal residence or
6 for the purpose of providing necessary housing for
7 seasonal or full-time employees: Provided, That only one
8 such structure may be constructed on no more than two
9 acres of the subject land during the term of the
10 agricultural conservation easement.

11 (v) Customary part-time or off-season minor or rural
12 enterprises and activities which are provided for in the
13 county Agricultural Conservation Easement Purchase
14 Program approved by the State board under subsection (d).

15 (vi) Commercial equine activity on the subject land.

16 * * *

17 Section 3. The amendment of section 14.1(c)(6) of the act
18 shall apply to agricultural conservation easements executed
19 after June 29, 1981.

20 Section 4. This act shall take effect in 60 days.