

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1869 Session of
1995

INTRODUCED BY BUNT, BARLEY, DENT, ARMSTRONG, TRUE, KREBS,
J. TAYLOR, STRITTMATTER, SCHULER, BROWNE, ZUG, GODSHALL, LEH,
ZIMMERMAN, SEMMEL, ALLEN, ARGALL AND MILLER, JUNE 26, 1995

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, MAY 13, 1996

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 separation, split-off 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. Separation, Split-off or Transfer.--

16 * * *

17 (b.1) The owner of property subject to a preferential tax
18 assessment may lease land covered by the preferential tax
19 assessment to be used for wireless or cellular telecommunication
20 when the following conditions are satisfied:

1 (1) The tract of land so leased does not exceed one-half of
2 an acre.

3 (2) The tract of land does not have more than one
4 communication tower.

5 (3) The tract of land is accessible.

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

8 (c) Use of land under this subsection for wireless services
9 other than wireless telecommunications may only qualify if such
10 wireless services share a tower with a wireless
11 telecommunications provider as provided for in subsection (b.1).
12 Roll-back taxes shall be imposed upon the tract of land leased
13 by the landowner for wireless or cellular telecommunications
14 purposes and the fair market value of that tract of land shall
15 be adjusted accordingly. The lease of such a tract of land shall
16 not invalidate the preferential tax assessment of the land which
17 is not so leased and such land shall continue to be eligible for
18 use value assessment if it continues to meet the requirements of
19 section 3.

20 (D) THE WIRELESS OR CELLULAR COMMUNICATIONS PROVIDER SHALL
21 BE SOLELY RESPONSIBLE FOR OBTAINING REQUIRED PERMITS IN
22 CONNECTION WITH ANY CONSTRUCTION ON A TRACT OF LAND WHICH IT
23 LEASES PURSUANT TO THE PROVISIONS OF THIS SECTION FOR
24 TELECOMMUNICATIONS PURPOSES. NO PERMIT REQUESTED PURSUANT TO
25 THIS SECTION SHALL BE DENIED BY A MUNICIPALITY FOR ANY REASON
26 OTHER THAN FAILURE TO STRICTLY COMPLY WITH PERMIT APPLICATION
27 PROCEDURES.

28 * * *

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