

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2106 Session of 2012

INTRODUCED BY ROSS, BOYD, CALTAGIRONE, DALEY, ELLIS, GINGRICH, GOODMAN, HALUSKA, HARPER, HESS, HORNAMAN, LAWRENCE, LONGIETTI, MILNE, QUINN, RAPP, READSHAW, TOBASH AND YOUNGBLOOD, DECEMBER 21, 2011

AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, FEBRUARY 7, 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 the purchase of agricultural conservation
4 easements.

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

7 Section 1. Section 14.1(c)(6)(iv) and (i)(1)(ii) of the act
8 of June 30, 1981 (P.L.128, No.43), known as the Agricultural
9 Area Security Law, amended November 23, 1994 (P.L.621, No.96)
10 and July 7, 2011 (P.L.247, No.44), are amended to read:

11 Section 14.1. Purchase of agricultural conservation easements.

12 * * *

13 (c) Restrictions and limitations.--An agricultural
14 conservation easement shall be subject to the following terms,
15 conditions, restrictions and limitations:

16 * * *

17 (6) An agricultural conservation easement shall not

1 prevent:

2 * * *

3 (iv) Construction and use of structures on the
4 subject land for the landowner's principal residence or
5 for the purpose of providing necessary housing for
6 seasonal or full-time employees: Provided, That only one
7 such structure may be constructed on no more than two
8 acres of the subject land during the term of the
9 agricultural conservation easement[.]: and Provided
10 further, That the owner of the land subject to the
11 agricultural conservation easement may relinquish and
12 extinguish the right of construction and use of
13 structures conferred by this clause by recording, in the
14 office for the recording of deeds in the county in which
15 the land subject to the agricultural conservation
16 easement is located, an affidavit evidencing the intent
17 to relinquish and extinguish WHICH INCLUDES A REFERENCE ←
18 TO THE ORIGINAL DEED OF EASEMENT.

19 * * *

20 (i) Subdivision of land after easement purchase.--

21 (1) Each county program shall specify the conditions
22 under which the subdivision of land subject to an
23 agricultural conservation easement may be permitted. In no
24 case, however, shall a county program permit a subdivision
25 which will:

26 * * *

27 (ii) convert land which has been devoted primarily
28 to agricultural use to another primary use, except that a
29 county program may permit one subdivision for the purpose
30 of the construction of a principal residence for the

1 landowner or an immediate family member, subject to this
2 right being relinquished and extinguished in accordance
3 with subsection (c) (6) (iv).

4 * * *

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