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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 441 Session of  
2019

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INTRODUCED BY SONNEY, CIRESI, FREEMAN, LAWRENCE, MARKOSEK,  
MILLARD, MURT, PASHINSKI, PYLE, RYAN, SAYLOR, SCHWEYER,  
ULLMAN AND ZIMMERMAN, FEBRUARY 11, 2019

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
FEBRUARY 11, 2019

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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 purchase of agricultural  
4 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 new roads and  
18 bridges, transmission lines, substations and other related

1 buildings or structures.

2 Section 2. Section 14.1(c)(6) of the act is amended by  
3 adding a subparagraph 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 \* \* \*

13 (vii) The granting of rights-of-way by the owner of  
14 the subject land in and through the land for the  
15 installation of or use of a wind power generation system,  
16 if all of the following apply:

17 (A) The subject land consists of 50 or more  
18 acres.

19 (B) If the subject land consists of less than  
20 100 acres, the wind power generation system may be  
21 constructed on no more than two acres of the subject  
22 land.

23 (C) If the subject land consists of 100 or more  
24 acres, the wind power generation system may be  
25 constructed on no more than two acres of the subject  
26 land, plus two additional acres for every 50 acres by  
27 which the subject land exceeds 100 acres.

28 (D) If the subject land upon which the wind  
29 power generation system is constructed is  
30 subsequently subdivided or conveyed or transferred in

1           whole or in part, the subject land upon which the  
2           wind power generation system is located must continue  
3           to consist of 50 or more acres.

4           \* \* \*

5           Section 3. The addition of section 14.1(c)(6)(vii) of the  
6 act shall apply to agricultural conservation easements executed  
7 after June 29, 1981.

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