

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1447 Session of
2015

INTRODUCED BY STURLA, JULY 9, 2015

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
JULY 9, 2015

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 definitions and for applications for
9 preferential assessments.

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

12 Section 1. Section 2 of the act of December 19, 1974
13 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest
14 Land Assessment Act of 1974, is amended by adding definitions to
15 read:

16 Section 2. Definitions.--As used in this act, the following
17 words and phrases shall have the meanings ascribed to them in
18 this section unless the context obviously otherwise requires:

19 * * *

20 "Erosion and sediment control plan." A site-specific plan
21 identifying best management practices to minimize accelerated

erosion and sedimentation from agricultural runoff that meets the requirements of 25 Pa. Code Ch. 102 (relating to erosion and sediment control).

* * *

"Manure management plan." A plan to ensure that a manure storage facility is designed, constructed, operated and maintained in accordance with current engineering and agronomic practices to be structurally sound, watertight and located and sized properly to prevent pollution of surface water and groundwater, including design to prevent discharge to surface waters during a storm up to a 25-year, 24-hour storm and meets the requirements of 25 Pa. Code Ch. 91.36 (relating to pollution control and prevention at agricultural operations).

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"National pollutant discharge system permit for concentrated animal feeding operations." A permit required by 40 CFR Ch. 1, Subch. D (relating to water programs).

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"Nutrient management plan." A written site-specific plan that incorporates best management practices to manage the use of plant nutrients for crop production and water quality protection, as defined in 3 Pa.C.S. § 503 (relating to definitions).

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Section 2. Section 4 of the act is amended by adding a subsection to read:

Section 4. Applications for Preferential Assessments.--* * *

(b.4) (1) An application for an agricultural preferential assessment shall include a verification that the landowner is in compliance with Federal and State regulations, including, but

1 not limited to, the following: an erosion and sediment control
2 plan, nutrient management plan, manure management plan and
3 national pollutant discharge elimination system permit for
4 concentrated animal feeding operations, when applicable.

5 (2) An application for a forest preferential assessment
6 shall include a verification that the landowner is in compliance
7 with Federal and State regulations, including, but not limited
8 to, an erosion and sediment control plan.

9 (3) A landowner with an existing preferential assessment
10 shall verify compliance under paragraph (1) or (2) no later than
11 two years after the effective date of this subsection. If a
12 landowner fails to verify compliance, the landowner will be
13 subject to roll-back taxes under section 5.1.

14 (4) The department shall provide a verification form that an
15 applicant or landowner with an existing preferential assessment
16 must sign.

17 (5) The department shall develop a rolling process to verify
18 conservation compliance under paragraphs (1) and (2).

19 (6) If the department determines that a landowner has
20 intentionally made a false statement on a verification and does
21 not comply with existing laws and regulations pertaining to
22 agricultural or forestry operations, the landowner shall be
23 subject to roll-back taxes under section 5.1.

24 (7) A landowner may appeal a determination of the department
25 under this subsection in accordance with the provisions of
26 section 9.

27 * * *

28 Section 3. This act shall take effect in 60 days.