

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 394 Session of 2011

INTRODUCED BY BRUBAKER, RAFFERTY, EICHELBERGER, BROWNE, ALLOWAY,
WAUGH, MCILHINNEY, MENSCH AND FERLO, FEBRUARY 4, 2011

REFERRED TO LOCAL GOVERNMENT, FEBRUARY 4, 2011

AN ACT

1 Amending the act of January 19, 1968 (1967 P.L.992, No.442),
2 entitled, as amended, "An act authorizing the Commonwealth of
3 Pennsylvania and the local government units thereof to
4 preserve, acquire or hold land for open space uses," further
5 providing for definitions and for local taxing options.

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

8 Section 1. Section 2 of the act of January 19, 1968 (1967
9 P.L.992, No.442), entitled, as amended, "An act authorizing the
10 Commonwealth of Pennsylvania and the local government units
11 thereof to preserve, acquire or hold land for open space uses,"
12 is amended by adding a clause to read:

13 Section 2. Definitions.--For the purpose of this act the
14 following definitions shall apply:

15 * * *

16 (8) "Conservation easement." As defined in section 3 of the
17 act of June 22, 2001 (P.L.390, No.29), known as the
18 "Conservation and Preservation Easements Act."

19 Section 2. Section 7.1(b) of the act, amended February 2,

1 2006 (P.L.15, No.4), is amended to read:

2 Section 7.1. Local Taxing Options.--* * *

3 (b) (1) Any of the following categories of real property
4 may be exempted from further millage increases:

5 (i) Real property in which the open space property interests
6 have been acquired by a local government unit in accordance with
7 this act.

8 (ii) Real property that is subject to an easement acquired
9 in accordance with the act of June 30, 1981 (P.L.128, No.43),
10 known as the "Agricultural Area Security Law."

11 (iii) Real property from which TDRs have been transferred
12 and retired by a local government unit without their development
13 potential having occurred on other lands.

14 (iv) Real property that is subject to a conservation
15 easement acquired under the act of June 22, 2001 (P.L.390, No.
16 29), known as the "Conservation and Preservation Easements Act,"
17 by an eligible nonprofit entity, as defined in section 3 of the
18 "Agricultural Area Security Law," if:

19 (A) the land subject to the conservation easement is
20 protected for the purpose of assuring its availability for
21 agricultural use; and

22 (B) the term of the conservation easement is perpetual.

23 (2) The exemption from further millage increases authorized
24 by clause (1) shall become effective only if the governing body
25 of each taxing district that imposes a tax on the real property
26 approves the exemption either by ordinance in the case of a
27 county or municipal corporation or by resolution in the case of
28 a school district.

29 (3) The exemption from further millage increases for real
30 property as provided for in this subsection shall be authorized

1 only for real property qualifying for such exemption under the
2 provisions of section [2(b)(1)] 2(b)(i) of Article VIII of the
3 Constitution of Pennsylvania.

4 (4) If the governing body of each taxing district so
5 resolves, the millage freeze authorized herein shall apply to
6 all eligible real property, whether the real property met the
7 criteria of this subsection prior to or subsequent to the date
8 of the ordinances and resolution imposing the millage freeze.
9 For prior acquisitions, the date on which the millage rate shall
10 be frozen is the date that the last of the required ordinances
11 or resolution becomes effective. For subsequent acquisitions,
12 the date on which the millage rate shall be frozen is the date
13 the local government unit completes the acquisition. The
14 governing body of each taxing district shall give prompt notice
15 to the appropriate tax collection agent of the exact amount of
16 the millage, the date it was frozen and each parcel to which the
17 freeze applies.

18 (5) The exemptions granted under this act shall not be
19 considered by the State Tax Equalization Board in deriving the
20 market value of school district real property so as to reduce
21 the subsidy to that school district or to increase the subsidy
22 to any other school district.

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