

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 657 Session of
2003

INTRODUCED BY MAJOR, PICKETT, BUNT, ALLEN, BAKER, BARD, BASTIAN,
BENNINGHOFF, CAPPELLI, CAWLEY, CIVERA, CRUZ, DALEY, FICHTER,
GEIST, GRUCELA, HENNESSEY, HERSHEY, HORSEY, LEH, LEWIS,
R. MILLER, PETRARCA, PHILLIPS, SCAVELLO, STEIL, STERN,
E. Z. TAYLOR, TIGUE, WASHINGTON, WATSON, WILT, YOUNGBLOOD AND
ARMSTRONG, MARCH 4, 2003

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, NOVEMBER 18, 2004

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," ~~deleting~~ <—
8 ~~certain provisions relating to farmstead land.~~ PROVIDING FOR <—
9 THE DEFINITIONS OF "AGRITAINMENT," "COUNTY COMMISSIONERS" AND <—
10 "RECREATIONAL ACTIVITY"; AND FURTHER PROVIDING FOR THE
11 DEFINITION OF "FOREST RESERVE", FOR LAND DEVOTED TO
12 AGRICULTURAL USE, AGRICULTURAL RESERVE AND/OR FOREST RESERVE,
13 FOR RESPONSIBILITIES OF COUNTY ASSESSOR AND FOR ROLL-BACK
14 TAXES AND SPECIAL CIRCUMSTANCES.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. The definition of "forest reserve" in section 2
18 of the act of December 19, 1974 (P.L.973, No.319), known as the
19 Pennsylvania Farmland and Forest Land Assessment Act of 1974,
20 amended December 21, 1998 (P.L.1225, No.156), is amended AND THE <—
21 SECTION IS AMENDED BY ADDING DEFINITIONS to read:

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

* * *

"AGRITAINMENT." FARM-RELATED TOURISM OR FARM-RELATED ENTERTAINMENT ACTIVITIES, WHICH ARE PERMITTED OR AUTHORIZED BY A LANDOWNER IN RETURN FOR A FEE ON AGRICULTURAL LAND FOR RECREATIONAL OR EDUCATIONAL PURPOSES. THE TERM INCLUDES, BUT IS NOT LIMITED TO, CORN MAZES, HAY MAZES, FARM TOURS AND HAY RIDES. THE TERM DOES NOT INCLUDE ACTIVITIES AUTHORIZED UNDER SECTION 8(D).

* * *

"COUNTY COMMISSIONERS." THE BOARD OF COUNTY COMMISSIONERS OR OTHER SIMILAR BODY IN HOME RULE CHARTER COUNTIES.

* * *

"Forest reserve." Land, ten acres or more, stocked by forest trees of any size and capable of producing timber or other wood products. [The term includes farmstead land on the tract.]

* * *

"RECREATIONAL ACTIVITY." INCLUDES, BUT IS NOT LIMITED TO:

(1) HUNTING.

(2) FISHING.

(3) SWIMMING.

(4) ACCESS FOR BOATING.

(5) ANIMAL RIDING.

(6) CAMPING.

(7) PICNICKING.

(8) HIKING.

(9) AGRITAINMENT ACTIVITIES.

(10) OPERATION OF NONMOTORIZED VEHICLES.

1 (11) VIEWING OR EXPLORING A SITE FOR AESTHETIC OR HISTORICAL
2 BENEFIT OR FOR ENTERTAINMENT.

3 (12) OPERATION OF MOTORIZED VEHICLES IF THE OPERATION IS:

4 (I) OVER AN EXISTING LANE AND INCIDENTAL TO AN ACTIVITY
5 DESCRIBED IN PARAGRAPHS (1) THROUGH (10); OR

6 (II) NECESSARY TO REMOVE AN ANIMAL WHICH HAS BEEN HUNTED
7 UNDER PARAGRAPH (1).

8 * * *

9 SECTION 2. SECTION 3 OF THE ACT IS AMENDED BY ADDING A <—
10 ~~SUBSECTION~~ SUBSECTIONS TO READ: <—

11 SECTION 3. LAND DEVOTED TO AGRICULTURAL USE, AGRICULTURAL
12 RESERVE, AND/OR FOREST RESERVE.--* * *

13 (F) A TRACT OF LAND ENROLLED IN EITHER THE AGRICULTURAL USE
14 OR FOREST RESERVE LAND USE CATEGORY AND OTHERWISE ELIGIBLE FOR
15 PREFERENTIAL ASSESSMENT UNDER THIS SECTION SHALL NOT BE DEEMED
16 INELIGIBLE BECAUSE THE OWNER OF THE TRACT OF LAND PERMITS OR
17 AUTHORIZES, OR HAS PERMITTED OR AUTHORIZED, A RECREATIONAL
18 ACTIVITY ON THE TRACT PURSUANT TO SECTION 8(F).

19 (G) (1) THE COUNTY COMMISSIONERS MAY ADOPT AN ORDINANCE TO <—
20 INCLUDE FARMSTEAD LAND IN THE TOTAL USE VALUE FOR LAND IN
21 AGRICULTURAL RESERVE. ANY ORDINANCE ADOPTED PURSUANT TO THIS
22 SUBSECTION SHALL BE APPLIED UNIFORMLY TO ALL LAND IN
23 AGRICULTURAL RESERVE IN THE COUNTY.

24 (2) THE COUNTY COMMISSIONERS MAY ADOPT AN ORDINANCE TO
25 INCLUDE FARMSTEAD LAND IN THE TOTAL USE VALUE FOR LAND IN FOREST
26 RESERVE. ANY ORDINANCE ADOPTED PURSUANT TO THIS SUBSECTION SHALL
27 BE APPLIED UNIFORMLY TO ALL LAND IN FOREST RESERVE IN THE
28 COUNTY.

29 ~~Section 2. Section 4.2 of the act, added December 21, 1998~~ <—
30 ~~(P.L.1225, No.156), is amended to read:~~

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1 SECTION 3. SECTIONS 4.2 AND 5 OF THE ACT, AMENDED OR ADDED
2 DECEMBER 21, 1998 (P.L.1225, NO.156), ARE AMENDED TO READ:

3 Section 4.2. Responsibilities of County Assessor in
4 Establishing Use Values.--(a) For each application for
5 preferential assessment, the county assessor shall establish a
6 total use value for land in agricultural use, including
7 farmstead land, and for land in agricultural reserve[, including
8 farmstead land,] by considering available evidence of the
9 capability of the land for its particular use utilizing the
10 USDA-NRCS Agricultural Land Capability Classification system and
11 other information available from USDA-ERS, The Pennsylvania
12 State University and the Pennsylvania Agricultural Statistics
13 Service. Contributory value of farm buildings shall be used.

14 (b) For each application for preferential assessment, the
15 county assessor shall establish a total use value for land in
16 forest reserve[, including farmstead land,] by considering
17 available evidence of capability of the land for its particular
18 use. Contributory value of farm buildings shall be used.

19 (c) A county assessor may establish use values which are
20 less than the values provided by the department under section
21 4.1, but lesser values shall be applied uniformly to all land in
22 the county eligible for preferential assessment.

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23 (D) FOR PURPOSES OF THIS SECTION:

24 (1) FARMSTEAD LAND LOCATED WITHIN AN AREA ENROLLED AS
25 AGRICULTURAL USE SHALL BE ASSESSED AT AGRICULTURAL USE VALUE.

26 (2) FARMSTEAD LAND LOCATED WITHIN AN AREA ENROLLED AS
27 AGRICULTURAL RESERVE OR FOREST RESERVE SHALL BE ASSESSED AT
28 AGRICULTURAL USE VALUE IF EITHER:

29 (I) A MAJORITY OF LAND IN THE APPLICATION FOR PREFERENTIAL
30 ASSESSMENT IS ENROLLED AS AGRICULTURAL USE LAND; OR

1 (II) IN THE CIRCUMSTANCE THAT NONCONTIGUOUS TRACTS OF LAND
2 ARE ENROLLED UNDER ONE APPLICATION, A MAJORITY OF LAND ON THE
3 TRACT WHERE THE FARMSTEAD LAND IS LOCATED IS ENROLLED AS
4 AGRICULTURAL USE LAND.

5 SECTION 5. RESPONSIBILITIES OF THE COUNTY ASSESSOR IN
6 GENERAL.--(A) IN ADDITION TO KEEPING SUCH RECORDS AS ARE NOW OR
7 HEREAFTER REQUIRED BY LAW, IT SHALL BE THE DUTY OF THE COUNTY
8 ASSESSOR:

9 (1) TO INDICATE ON PROPERTY RECORD CARDS, ASSESSMENT ROLLS,
10 AND ANY OTHER APPROPRIATE RECORDS, THE FAIR MARKET VALUE, THE
11 NORMAL ASSESSED VALUE, THE LAND USE CATEGORY AND THE NUMBER OF
12 ACRES ENROLLED IN EACH LAND USE CATEGORY, THE USE VALUE UNDER
13 SECTION 4.2 AND THE PREFERENTIALLY ASSESSED VALUE OF EACH PARCEL
14 GRANTED PREFERENTIAL USE ASSESSMENTS UNDER THIS ACT; AND
15 ANNUALLY, TO RECORD ON SUCH RECORDS ALL CHANGES, IF ANY, IN THE
16 FAIR MARKET VALUE, THE NORMAL ASSESSED VALUE, THE LAND USE
17 CATEGORY AND THE NUMBER OF ACRES ENROLLED IN EACH LAND USE
18 CATEGORY, THE USE VALUE UNDER SECTION 4.2 AND THE PREFERENTIALLY
19 ASSESSED VALUE OF SUCH PROPERTIES.

20 (2) TO NOTIFY IN WRITING THE APPROPRIATE TAXING BODIES AND
21 LANDOWNER OF ANY PREFERENTIAL ASSESSMENTS GRANTED OR TERMINATED
22 FOR EACH PARCEL, INCLUDING THE LAND USE CATEGORY AND THE NUMBER
23 OF ACRES ENROLLED IN EACH LAND USE CATEGORY, WITHIN THEIR TAXING
24 JURISDICTION AND OF THE REASON FOR TERMINATION WITHIN FIVE DAYS
25 OF SUCH CHANGE. THERE SHALL BE A RIGHT OF APPEAL AS PROVIDED BY
26 SECTION 9.

27 (3) TO NOTIFY IN WRITING THE OWNER OF A PROPERTY THAT IS
28 PREFERENTIALLY ASSESSED UNDER THIS ACT, AND THE TAXING BODIES OF
29 THE DISTRICT IN WHICH SUCH PROPERTY IS SITUATED, OF ANY CHANGES
30 IN THE FAIR MARKET VALUE, THE NORMAL ASSESSED VALUE, THE LAND

1 USE CATEGORY AND THE NUMBER OF ACRES ENROLLED IN EACH LAND USE
2 CATEGORY, THE USE VALUE UNDER SECTION 4.2 OR THE PREFERENTIALLY
3 ASSESSED VALUE WITHIN FIVE DAYS OF SUCH CHANGE. THERE SHALL BE A
4 RIGHT OF APPEAL AS PROVIDED FOR IN SECTION 9.

5 (4) TO MAINTAIN A PERMANENT RECORD OF THE TAX RATES, IN
6 MILLS, LEVIED BY EACH OF THE TAXING AUTHORITIES IN THE COUNTY
7 FOR EACH TAX YEAR.

8 (5) BY JANUARY 31 OF EACH YEAR, TO REPORT TO THE DEPARTMENT
9 FOR THE PREVIOUS YEAR THE NUMBER OF ACRES ENROLLED IN EACH LAND
10 USE CATEGORY, THE NUMBER OF ACRES TERMINATED IN EACH LAND USE
11 CATEGORY, THE DOLLAR AMOUNT RECEIVED AS ROLL-BACK TAXES AND THE
12 DOLLAR AMOUNT RECEIVED AS INTEREST ON ROLL-BACK TAXES.

13 (B) IT SHALL BE THE DUTY OF THE COUNTY ASSESSOR, AS SET
14 FORTH UNDER SECTION 8(C), TO CALCULATE ROLL-BACK TAXES, GIVE
15 NOTICE OF THE AMOUNTS DUE TO LANDOWNERS AND INTERESTED PARTIES
16 AND TO FILE LIENS FOR UNPAID ROLL-BACK TAXES.

17 (C) THE PREFERENTIAL USE ASSESSMENTS GRANTED UNDER THIS ACT
18 SHALL BE CONSIDERED BY THE STATE TAX EQUALIZATION BOARD IN
19 DETERMINING THE MARKET VALUE OF TAXABLE REAL PROPERTY FOR SCHOOL
20 SUBSIDY PURPOSES. THE STATE TAX EQUALIZATION BOARD SHALL NOT
21 REFLECT THE INDIVIDUAL SCHOOL DISTRICT MARKET VALUE DECREASE, AS
22 IT RELATES TO AGRICULTURAL LAND, WHEN CERTIFYING THE STATEWIDE
23 MARKET VALUE TO THE DEPARTMENT OF EDUCATION.

24 SECTION 4. SECTION 8 OF THE ACT IS AMENDED BY ADDING A
25 SUBSECTION TO READ:

26 SECTION 8. ROLL-BACK TAXES; SPECIAL CIRCUMSTANCES.--* * *

27 (F) NO ROLL-BACK TAXES SHALL BE DUE AND NO BREACH OF
28 PREFERENTIAL ASSESSMENT SHALL BE DEEMED TO HAVE OCCURRED IF THE
29 OWNER OF A TRACT OF LAND THAT IS SUBJECT TO PREFERENTIAL
30 ASSESSMENT PERMITS OR AUTHORIZES, OR HAS PERMITTED OR

1 AUTHORIZED, TO BE PERFORMED ON THE TRACT OR ANY PORTION OF THE
2 TRACT ANY RECREATIONAL ACTIVITY, REGARDLESS OF WHETHER OR NOT
3 THE LANDOWNER IMPOSES A FEE OR CHARGE TO PERFORM THE
4 RECREATIONAL ACTIVITY, PROVIDED THAT:

5 (1) THE TRACT OF LAND IN QUESTION IS ENROLLED IN EITHER THE
6 AGRICULTURAL USE OR FOREST RESERVE LAND USE CATEGORIES; AND

7 (2) THE RECREATIONAL ACTIVITY PERFORMED DOES NOT RENDER THE
8 LAND INCAPABLE OF BEING IMMEDIATELY CONVERTED TO AGRICULTURAL
9 USE ON AGRICULTURAL USE LAND AND DOES NOT PERMANENTLY RENDER THE
10 LAND INCAPABLE OF PRODUCING TIMBER OR OTHER WOOD PRODUCTS ON
11 FOREST RESERVE LAND.

12 Section 3 5. This act shall take effect in 60 days.

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