

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 514 Session of
2005

INTRODUCED BY GORDNER, THOMPSON, RAFFERTY, D. WHITE, WONDERLING,
WOZNIAK AND FERLO, MARCH 29, 2005

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 3, 2006

AN ACT

1 Amending the act of May 21, 1943 (P.L.571, No.254), entitled, as
2 amended, "An act relating to assessment for taxation in
3 counties of the fourth, fifth, sixth, seventh and eighth
4 classes; designating the subjects, property and persons
5 subject to and exempt from taxation for county, borough,
6 town, township, school, except in cities and county
7 institution district purposes; and providing for and
8 regulating the assessment and valuation thereof for such
9 purposes; creating in each such county a board for the
10 assessment and revision of taxes; defining the powers and
11 duties of such boards; providing for the acceptance of this
12 act by cities; regulating the office of ward, borough, town
13 and township assessors; abolishing the office of assistant
14 triennial assessor in townships of the first class; providing
15 for the appointment of a chief assessor, assistant assessors
16 and other employees; providing for their compensation payable
17 by such counties; prescribing certain duties of and certain
18 fees to be collected by the recorder of deeds and municipal
19 officers who issue building permits; imposing duties on
20 taxables making improvements on land and grantees of land;
21 prescribing penalties; and eliminating the triennial
22 assessment," ~~providing for the elimination of~~ EXPANDING THE <—
23 SCOPE OF THE ACT; FURTHER PROVIDING FOR THE SHORT TITLE, FOR
24 DEFINITIONS, FOR APPLICABILITY AND FOR SUBJECTS OF TAXATION;
25 ELIMINATING the office of elected assessor in townships of
26 the second class; PROVIDING FOR VALUATION OF REAL PROPERTY <—
27 USED FOR WIND ENERGY GENERATION; and making a related repeal.

28 The General Assembly of the Commonwealth of Pennsylvania
29 hereby enacts as follows:

1 SECTION 101. SHORT TITLE.--THIS ACT SHALL BE KNOWN AND MAY
2 BE CITED AS "THE FOURTH TO EIGHTH CLASS AND SELECTIVE COUNTY
3 ASSESSMENT LAW."

4 SECTION 3. THE DEFINITION OF "ASSESSOR" IN SECTION 102 OF
5 THE ACT IS AMENDED TO READ:

6 Section 102. Definitions.--The following words and phrases
7 shall for the purpose of this act have the meanings respectively
8 ascribed to them in this section, except where the context
9 clearly indicates a different meaning:

10 * * *

11 "Assessor" shall mean the assessor elected in each borough,
12 town and township[, and] of the first class and elected in each
13 ward of each city, borough or town, including the assistant
14 assessor, if any, in first class townships.

15 * * *

16 SECTION 4. SECTION 103 OF THE ACT IS AMENDED TO READ:

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17 SECTION 103. APPLICATION OF ACT.--[THIS] (A) EXCEPT AS SET
18 FORTH IN SUBSECTION (B), THIS ACT SHALL APPLY IN ALL COUNTIES OF
19 THE FOURTH, FIFTH, SIXTH, SEVENTH AND EIGHTH CLASSES OF THE
20 COMMONWEALTH.

21 (B) SECTIONS 201(A.1) AND 602.4 SHALL APPLY TO COUNTIES OF
22 ALL CLASSES OF THE COMMONWEALTH.

23 (C) WHEN THE VALUATIONS AND ASSESSMENTS AS PROVIDED BY THIS
24 ACT HAVE BEEN MADE, ALL TAXATION FOR COUNTY, BOROUGH, TOWN,
25 TOWNSHIP, SCHOOL PURPOSES, (EXCEPT IN CITIES), COUNTY
26 INSTITUTION DISTRICT AND POOR PURPOSES, WITHIN THE LIMITS OF
27 SUCH COUNTIES AFFECTED BY THIS ACT SHALL BE BASED UPON SUCH
28 VALUATIONS.

29 SECTION 5. SECTION 201 OF THE ACT, AMENDED JULY 28, 1953
30 (P.L.703, NO.227), JUNE 16, 1972 (P.L.447, NO.137) AND OCTOBER

1 4, 2002 (P.L.876, NO.125), IS AMENDED TO READ:

2 SECTION 201. SUBJECTS OF TAXATION ENUMERATED.--THE FOLLOWING
3 SUBJECTS AND PROPERTY SHALL AS HEREINAFTER PROVIDED BE VALUED
4 AND ASSESSED AND SUBJECT TO TAXATION FOR ALL COUNTY, BOROUGH,
5 TOWN, TOWNSHIP, SCHOOL, (EXCEPT IN CITIES), POOR AND COUNTY
6 INSTITUTION DISTRICT PURPOSES, AT THE ANNUAL RATE,

7 (A) ALL REAL ESTATE, TO WIT: HOUSES, HOUSE TRAILERS AND
8 MOBILEHOMES PERMANENTLY ATTACHED TO LAND OR CONNECTED WITH
9 WATER, GAS, ELECTRIC OR SEWAGE FACILITIES, BUILDINGS, LANDS,
10 LOTS OF GROUND AND GROUND RENTS, TRAILER PARKS AND PARKING LOTS,
11 MILLS AND MANUFACTORIES OF ALL KINDS, ALL OFFICE TYPE
12 CONSTRUCTION OF WHATEVER KIND, THAT PORTION OF A STEEL, LEAD,
13 ALUMINUM OR LIKE MELTING AND CONTINUOUS CASTING STRUCTURES WHICH
14 ENCLOSE, PROVIDE SHELTER OR PROTECTION FROM THE ELEMENTS FOR THE
15 VARIOUS MACHINERY, TOOLS, APPLIANCES, EQUIPMENT, MATERIALS OR
16 PRODUCTS INVOLVED IN THE MILL, MINE, MANUFACTORY OR INDUSTRIAL
17 PROCESS, AND ALL OTHER REAL ESTATE NOT EXEMPT BY LAW FROM
18 TAXATION. MACHINERY, TOOLS, APPLIANCES AND OTHER EQUIPMENT
19 CONTAINED IN ANY MILL, MINE, MANUFACTORY OR INDUSTRIAL
20 ESTABLISHMENT SHALL NOT BE CONSIDERED OR INCLUDED AS A PART OF
21 THE REAL ESTATE IN DETERMINING THE VALUE OF SUCH MILL, MINE,
22 MANUFACTORY OR INDUSTRIAL ESTABLISHMENT. NO FREE-STANDING
23 DETACHABLE GRAIN BIN OR CORN CRIB USED EXCLUSIVELY FOR
24 PROCESSING OR STORAGE OF ANIMAL FEED INCIDENTAL TO THE OPERATION
25 OF THE FARM ON WHICH IT IS LOCATED, AND NO IN-GROUND AND ABOVE-
26 GROUND STRUCTURES AND CONTAINMENTS USED PREDOMINANTLY FOR
27 PROCESSING AND STORAGE OF ANIMAL WASTE AND COMPOSTING FACILITIES
28 INCIDENTAL TO OPERATION OF THE FARM ON WHICH THE STRUCTURES AND
29 CONTAINMENTS ARE LOCATED, SHALL BE INCLUDED IN DETERMINING THE
30 VALUE OF REAL ESTATE USED PREDOMINANTLY AS A FARM. NO OFFICE

1 TYPE CONSTRUCTION OF WHATEVER KIND SHALL BE EXCLUDED FROM
2 TAXATION BUT SHALL BE CONSIDERED A PART OF REAL PROPERTY SUBJECT
3 TO TAXATION. THAT PORTION OF A STEEL, LEAD, ALUMINUM OR LIKE
4 MELTING AND CONTINUOUS CASTING STRUCTURE WHICH ENCLOSES,
5 PROVIDES SHELTER OR PROTECTION FROM THE ELEMENTS FOR THE VARIOUS
6 MACHINERY, TOOLS, APPLIANCES, EQUIPMENT, MATERIALS OR PRODUCTS
7 INVOLVED IN THE MILL, MINE, MANUFACTORY OR INDUSTRIAL PROCESS
8 SHALL BE CONSIDERED AS PART OF REAL PROPERTY SUBJECT TO
9 TAXATION. NO AMUSEMENT PARK RIDES SHALL BE ASSESSED OR TAXED AS
10 REAL ESTATE REGARDLESS OF WHETHER THEY HAVE BECOME AFFIXED TO
11 THE REAL ESTATE.

12 (A.1) THIS SECTION IS SUBJECT TO SECTION 103(B). NO WIND
13 TURBINE GENERATED GENERATORS OR RELATED WIND ENERGY APPLIANCES
14 AND EQUIPMENT, INCLUDING TOWERS AND TOWER FOUNDATIONS, SHALL BE
15 CONSIDERED OR INCLUDED AS PART OF THE REAL PROPERTY IN
16 DETERMINING THE FAIR MARKET VALUE AND ASSESSMENT OF REAL
17 PROPERTY USED FOR THE PURPOSE OF WIND ENERGY GENERATION. REAL
18 PROPERTY USED FOR THE PURPOSE OF WIND ENERGY GENERATION SHALL BE
19 VALUED UNDER SECTION 602.4.

20 (B) ALL SALARIES AND EMOLUMENTS OF OFFICE, ALL OFFICES AND
21 POSTS OF PROFIT, PROFESSIONS, TRADES AND OCCUPATIONS, AND ALL
22 PERSONS OVER THE AGE OF EIGHTEEN YEARS WHO DO NOT FOLLOW ANY
23 OCCUPATION OR CALLING, AS WELL AS UNNATURALIZED FOREIGN-BORN
24 PERSONS WHO SHALL HAVE RESIDED WITHIN THIS COMMONWEALTH FOR ONE
25 WHOLE YEAR AS CITIZENS OF THIS COMMONWEALTH.

26 (C) ALL OTHER THINGS AND PERSONS NOW TAXABLE BY THE LAWS OF
27 THIS COMMONWEALTH FOR COUNTY, CITY AND SCHOOL PURPOSES.

28 Section ~~2~~ 6. Section 501 of the act is amended to read:

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29 Section 501. Election; Term of Office.--(a) At the
30 municipal election preceding the expiration of the term of any

1 assessor now in office, and every fourth year thereafter, the
2 qualified voters resident therein shall elect:

3 (1) In each ward in each city, an assessor;

4 (2) In each ward of each borough divided into wards, an
5 assessor;

6 (3) In each borough not divided into wards, an assessor;

7 (4) In each ward in each town, an assessor;

8 (5) In each township of the first class, an assessor and an
9 assistant assessor;

10 [(6) In each township of the second class, an assessor.]

11 Each assessor shall serve from the first Monday of January
12 next succeeding his election, and for a period of four years
13 thereafter.

14 (b) The offices of assistant triennial assessor in townships
15 of the first class is hereby abolished.

16 SECTION 7. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

17 SECTION 602.4. VALUATION OF REAL PROPERTY USED FOR THE
18 PURPOSE OF WIND ENERGY GENERATION.--THIS SECTION IS SUBJECT TO
19 SECTIONS 103(B) AND 201(A.1). THE VALUATION OF REAL PROPERTY
20 USED FOR THE PURPOSE OF WIND ENERGY GENERATION FOR ASSESSMENT
21 PURPOSES SHALL BE DEVELOPED BY THE COUNTY ASSESSOR UTILIZING THE
22 INCOME CAPITALIZATION APPROACH TO VALUE. THE VALUATION SHALL BE
23 DETERMINED BY THE CAPITALIZED VALUE OF THE LAND LEASE
24 AGREEMENTS, SUPPLEMENTED BY THE SALES COMPARISON DATA APPROACH
25 AS DEEMED NECESSARY BY THE COUNTY ASSESSOR. THE LESSEE, OR
26 LESSOR ON BEHALF OF THE LESSEE, SHALL PROVIDE THE NONPROPRIETARY
27 LEASE AND LEASE INCOME INFORMATION REASONABLY NEEDED BY THE
28 COUNTY ASSESSOR TO DETERMINE VALUE BY SEPTEMBER 1.

29 SECTION 8. ANY ASSESSOR IN OFFICE ON THE EFFECTIVE DATE OF
30 THIS SECTION SHALL REMAIN IN OFFICE UNTIL THE END OF THE TERM

1 FOR WHICH THE ASSESSOR WAS ELECTED; AND, IN ANY TOWNSHIP IN
2 WHICH AN ASSESSOR CONTINUES IN OFFICE IN ACCORDANCE WITH THIS
3 SECTION, THE REPEAL OF PROVISIONS OF THE SECOND CLASS TOWNSHIP
4 CODE IN SECTION 9 SHALL NOT APPLY UNTIL THE END OF THE TERM FOR
5 WHICH THE ASSESSOR WAS ELECTED.

6 Section ~~3~~ 9. Repeals are as follows: <—

7 (1) The General Assembly declares that the repeal under
8 paragraph (2) is necessary to effectuate the provisions of
9 this act.

10 (2) (i) Sections 405 and 1002 of the act of May 1, 1933
11 (P.L.103, No.69), known as The Second Class Township
12 Code, are repealed.

13 (ii) Sections 205, 401, 402, 407, 1301, 1401, 1902
14 and 3210 of The Second Class Township Code are repealed
15 to the extent that they are inconsistent with this act.

16 SECTION 10. THE FOLLOWING PROVISIONS SHALL NOT AFFECT ANY <—
17 AGREEMENT OR AGREED-TO ASSESSMENT PRACTICE ACTIVELY IN PLACE IN
18 A COUNTY ON THE EFFECTIVE DATE OF THIS SECTION:

19 (1) THE ADDITION OF SECTION 103(B) OF THE ACT.

20 (2) THE ADDITION OF SECTION 201(A.1) OF THE ACT.

21 (3) THE ADDITION OF SECTION 602.4 OF THE ACT.

22 Section ~~4~~ 11. This act shall take effect in 60 days. <—