

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 316 Session of 2011

INTRODUCED BY TOMLINSON AND McILHINNEY, JANUARY 28, 2011

REFERRED TO FINANCE, JANUARY 28, 2011

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, further providing for taxation exemptions
3 and special provisions.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby resolves as follows:

6 Section 1. The following amendment to the Constitution of
7 Pennsylvania is proposed in accordance with Article XI:

8 That section 2(b) of Article VIII be amended to read:

9 § 2. Exemptions and special provisions.

10 * * *

11 (b) The General Assembly may, by law:

12 (i) Establish standards and qualifications for private
13 forest reserves, agricultural reserves, and land actively
14 devoted to agricultural use, and make special provision for the
15 taxation thereof;

16 (ii) Establish as a class or classes of subjects of taxation
17 the property or privileges of persons who, because of age,
18 disability, infirmity or poverty are determined to be in need of
19 tax exemption or of special tax provisions, and for any such

1 class or classes, uniform standards and qualifications. The
2 Commonwealth, or any other taxing authority, may adopt or employ
3 such class or classes and standards and qualifications, and
4 except as herein provided may impose taxes, grant exemptions, or
5 make special tax provisions in accordance therewith. No
6 exemption or special provision shall be made under this clause
7 with respect to taxes upon the sale or use of personal property,
8 and no exemption from any tax upon real property shall be
9 granted by the General Assembly under this clause unless the
10 General Assembly shall provide for the reimbursement of local
11 taxing authorities by or through the Commonwealth for revenue
12 losses occasioned by such exemption;

13 (iii) Establish standards and qualifications by which local
14 taxing authorities may make uniform special tax provisions
15 applicable to a taxpayer for a limited period of time to
16 encourage improvement of deteriorating property or areas by an
17 individual, association or corporation, or to encourage
18 industrial development by a non-profit corporation; and

19 (iv) Make special tax provisions on any increase in value of
20 real estate resulting from residential construction. Such
21 special tax provisions shall be applicable for a period not to
22 exceed two years.

23 (v) Establish standards and qualifications by which local
24 taxing authorities in counties of the first and second class may
25 make uniform special real property tax provisions applicable to
26 taxpayers who are longtime owner-occupants as shall be defined
27 by the General Assembly of residences in areas where real
28 property values have risen markedly as a consequence of the
29 refurbishing or renovating of other deteriorating residences or
30 the construction of new residences.

1 (vi) Authorize local taxing authorities to exclude from
2 taxation an amount based on the assessed value of homestead
3 property. The exclusions authorized by this clause shall not
4 exceed one-half of the median assessed value of all homestead
5 property within a local taxing jurisdiction. A local taxing
6 authority may not increase the millage rate of its tax on real
7 property to pay for these exclusions.

8 (vii) Establish standards and qualifications by which local
9 taxing authorities may make real property tax assessments based
10 upon an owner's cost of acquisition of the property. This clause
11 shall not include transfers of principal residence or farmland
12 between spouses or between parents and children.

13 * * *

14 Section 2. (a) Upon the first passage by the General
15 Assembly of this proposed constitutional amendment, the
16 Secretary of the Commonwealth shall proceed immediately to
17 comply with the advertising requirements of section 1 of Article
18 XI of the Constitution of Pennsylvania and shall transmit the
19 required advertisements to two newspapers in every county in
20 which such newspapers are published in sufficient time after
21 passage of this proposed constitutional amendment.

22 (b) Upon the second passage by the General Assembly of this
23 proposed constitutional amendment, the Secretary of the
24 Commonwealth shall proceed immediately to comply with the
25 advertising requirements of section 1 of Article XI of the
26 Constitution of Pennsylvania and shall transmit the required
27 advertisements to two newspapers in every county in which such
28 newspapers are published in sufficient time after passage of
29 this proposed constitutional amendment. The Secretary of the
30 Commonwealth shall submit this proposed constitutional amendment

1 to the qualified electors of this Commonwealth at the first
2 primary, general or municipal election which meets the
3 requirements of and is in conformance with section 1 of Article
4 XI of the Constitution of Pennsylvania and which occurs at least
5 three months after the proposed constitutional amendment is
6 passed by the General Assembly.