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House of Representatives
Commonwealth of Pennsylvania
Harrisburg

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MEMORANDUM

TO: All House Members

FROM: Representative Thomas J. Quigley
146th Legislative District

DATE: February 28, 2012

SUBJECT: Open Space Preservation Act

In the near future, I will be introducing legislation amending Act 442 of 1967 ("Preserving Land for Open Air Spaces"). The legislation will allow municipalities that currently have a portion of their earned income tax (EIT) dedicated to the purchase of open space land to use such EIT revenue for expenses necessary to prepare the resource, recreation or land use plan required for such purchases under the Act and for costs associated with design, engineering, improvement and development of the purchased real property consistent with such approved resource, recreation or land use plan. Currently, the funds raised from the dedicated EIT can only be used for the purchase of open space land, retiring of debt incurred in purchasing such land, and transactional fees related to purchase (including, but not limited to, costs of appraisals, legal services, title searches and insurance, document preparation, closing fees and survey expenses).

Many municipalities that have purchased open space through the voter approved referendum are seeking clarity on the issue of whether or not needed improvements to trails, parks, etc., to comport with the original open space land use plan, as well as costs associated with developing such plan itself, can be paid for with funds raised through the EIT. The legislation will remove that uncertainty. Please know the legislation is not authorizing a tax increase, nor is it expanding the current taxing authority of municipalities under Act 442. It is simply expanding and clarifying that funds raised may be used for the additional purposes enumerated above (as noted, such purposes are directly related to the land purchase as they deal with the production and implementation of the required open space land use plan that must accompany such a land purchase).

If you would like to co-sponsor this legislation, please contact my office by calling Lauren Pacella at 772-9963 or email her at lpacella@pahousegop.com.

TJQ/lp