

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2240 Session of
1995

INTRODUCED BY MAITLAND, BUNT, NICKOL, MASLAND, HENNESSEY,
STURLA, LAUGHLIN, HERSHEY, TRELLO, MILLER, SCRIMENTI, SEMMEL,
ZIMMERMAN, HALUSKA, SURRA, LLOYD, FLEAGLE, FEESE, BARLEY,
EGOLF, PITTS, TRUE, CHADWICK, BROWNE, HARHART, CONTI, ARGALL,
KREBS, B. SMITH, STISH, DIGIROLAMO, BARD, GORDNER, ALLEN,
RUBLEY, PICCOLA, PLATTS, YEWIC, SCHULER, STERN, MAJOR,
BAKER, PHILLIPS, HESS, SCHRODER, VANCE, GLADECK, ZUG,
ARMSTRONG, MARSICO, TULLI, STAIRS, NAILOR AND E. Z. TAYLOR,
NOVEMBER 27, 1995

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, NOVEMBER 27, 1995

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," further
8 providing for tax determination upon abandonment.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 8(b) of the act of December 19, 1974
12 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest
13 Land Assessment Act of 1974, amended December 12, 1994 (P.L.942,
14 No.33), is amended and the section is amended by adding a
15 subsection to read:

16 Section 8. Determination of amounts of taxes when use
17 abandoned.-- * * *

1 (b) Unpaid roll-back taxes shall be a lien upon the property
2 collectible in the manner provided by law for the collection of
3 delinquent taxes. Roll-back taxes shall become due on the date
4 of change of use, or any other termination of preferential
5 assessment and shall be paid by the owner of the land at the
6 time of change in use, or any other termination of preferential
7 assessment, to the county treasurer or to the tax claim bureau,
8 as the case may be, whose responsibility it shall be to make
9 proper distribution of the taxes [and interest] to the taxing
10 bodies wherein the property is located. Nothing in this section
11 shall be construed to require the taxing body of a taxing
12 district in which land enrolled in preferential use is situated
13 to accept the roll-back taxes [and accrued interest] due and
14 payable to that taxing district if the preferential use is
15 abandoned for the purpose of granting or donating such land to:

- 16 (1) a school district;
- 17 (2) a municipality;
- 18 (3) a county;
- 19 (4) a volunteer fire company;
- 20 (5) a volunteer ambulance service; or
- 21 (6) a not-for-profit corporation, tax exempt under section

22 501(c)(3) of the Internal Revenue Code of 1954 (68A Stat. 3, 26
23 U.S.C. § 501(c)(3)), provided that, prior to accepting ownership
24 of the land, such corporation enters into an agreement with the
25 municipality wherein the subject land is located guaranteeing
26 that it will be used exclusively for recreational purposes, all
27 of which shall be available to the general public free of
28 charge. In the event the corporation changes the use of all or a
29 portion of the land or charges admission or any other fee for
30 the use or enjoyment of the facilities, the corporation shall

1 immediately become liable for all roll-back taxes and accrued
2 interest previously forgiven pursuant hereto.

3 (b.1) Any accrued interest on roll-back taxes shall become
4 due on the date of change of use or any other termination of
5 preferential assessment and shall be paid by the owner of the
6 land, at the time of change in use or any other termination of
7 preferential assessment, to the county treasurer. The county
8 treasurer shall make proper distribution of the interest to the
9 county commissioners and the county comptroller, as the case may
10 be, who shall properly designate all of the interest for use by
11 the county board of the eligible county, under the act of June
12 30, 1981 (P.L.128, No.43), known as the "Agricultural Area
13 Security Law." The interest shall be included as local money
14 appropriated by an eligible county for the purchase of
15 agricultural conservation easements under section 14.1(h) of the
16 "Agricultural Area Security Law." If the county where the
17 interest is collected is not an eligible county under the
18 "Agricultural Area Security Law," the county treasurer shall
19 forward all of the interest to the Agricultural Conservation
20 Easement Purchase Fund.

21 * * *

22 Section 2. This act shall take effect in 60 days.