

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1960 Session of
2007

INTRODUCED BY HERSHEY, BELFANTI, CARROLL, CUTLER, DENLINGER,
FAIRCHILD, FLECK, GEIST, GINGRICH, HARHAI, HARHART,
HENNESSEY, HESS, MILNE, O'NEILL, PYLE, ROSS, SCAVELLO AND
SIPTROTH, OCTOBER 23, 2007

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
OCTOBER 23, 2007

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,"
8 providing for payments to certain local taxing authorities to
9 offset assessments reduced under this act.

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

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

15 Section 4.3. Payments to Impacted Local Taxing
16 Authorities.--(a) The General Assembly finds that although all
17 citizens of this Commonwealth benefit from the preservation of
18 open space lands, the burden of the shifting of real property
19 taxes falls heavily on certain local taxing authorities. In
20 order to ensure that the taxpayers of these local taxing

1 authorities do not bear too much of the burden of this act, it
2 is in the public interest to make assistance payments to these
3 authorities from the General Fund, where the authorities would
4 otherwise lose ten percent (10%) or more of their assessed value
5 as a result of this act.

6 (b) A local taxing authority that meets the requirements for
7 eligibility under subsection (d) may apply to the Department of
8 Community and Economic Development for payment from the
9 Commonwealth as provided in this section.

10 (c) For each fiscal year for which payment under this
11 section is requested, an application must be submitted to the
12 Department of Community and Economic Development by April 1 on a
13 form prescribed by the Department of Community and Economic
14 Development. The application must include the following:

15 (1) The total of the normal assessed values of all real
16 property within the jurisdiction of the local taxing authority.

17 (2) The total of the normal assessed values of all
18 properties preferentially assessed under this act within the
19 jurisdiction of the local taxing authority.

20 (3) The total of the preferentially assessed values of all
21 properties preferentially assessed under this act within the
22 jurisdiction of the local taxing authority.

23 (4) The real estate tax rate of the local taxing authority
24 for its current fiscal year.

25 (5) Such other information as may be required by the
26 Department of Community and Economic Development.

27 If the local taxing authority fails to file the application
28 required by this subsection by the date prescribed by this
29 subsection, or within any extension granted by the Department of
30 Community and Economic Development, it shall forfeit its

1 eligibility for payment under this section for that fiscal year.

2 (d) If the difference between the amount stated under
3 subsection (c)(2), less the amount stated under subsection
4 (c)(3) is equal to or greater than ten percent (10%) of the
5 amount stated under subsection (c)(1), the local taxing
6 jurisdiction shall be eligible to receive payments under this
7 section.

8 (e) The Commonwealth shall pay to the eligible local taxing
9 authority for the fiscal year ninety percent (90%) of the
10 difference between the amount stated under subsection (c)(2),
11 less the amount stated under subsection (c)(3), multiplied by
12 the rate stated under subsection (c)(4). The data stated by the
13 local taxing authority must be verified by the county assessor
14 before such payment may be made. The Department of Community and
15 Economic Development shall make payment to the local taxing
16 authorities no later than October 1.

17 (f) Payments under this section shall be funded by
18 appropriations from the General Fund. For purposes of making
19 this payment, the Department of Community and Economic
20 Development shall make requisition in the manner prescribed by
21 the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal
22 Code." If the amount appropriated for purposes of this section
23 is insufficient to fully fund the payments otherwise required by
24 this section, the payment to each local taxing authority shall
25 be reduced by an equal percentage.

26 (g) The Department of Community and Economic Development
27 shall promulgate such rules and regulations as are necessary to
28 administer this section.

29 (h) As used in this section, the term "Local taxing
30 authority" means a political subdivision having authority to

1 impose taxes on real estate.

2 Section 2. With respect to any fiscal year that includes
3 December 31, 2009, or any fiscal year prior thereto, the
4 Department of Community and Economic Development may vary the
5 application or payment deadlines that would otherwise apply
6 under section 4.3. For this purpose, the department may adopt
7 interim regulations, which shall be exempt from review under
8 section 205 of the act of July 31, 1968 (P.L.769, No.240),
9 referred to as the Commonwealth Documents Law, section 204(b) of
10 the act of October 15, 1980 (P.L.950, No.164), known as the
11 Commonwealth Attorneys Act, and the act of June 25, 1982
12 (P.L.633, No.181), known as the Regulatory Review Act.

13 Section 3. This act shall take effect January 1, 2008.