

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 298 Session of 2009

INTRODUCED BY YAW, BAKER, WAUGH, KITCHEN, SCARNATI, M. WHITE, ORIE, D. WHITE, WONDERLING, RAFFERTY, GORDNER, BROWNE, FOLMER, ALLOWAY AND VANCE, MARCH 5, 2009

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, MARCH 5, 2009

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 split-off, separation or transfer.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 6 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, is amended by adding subsections to  
 14 read:

15 Section 6. Split-off, Separation or Transfer.--\* \* \*

16 (b.4) (1) The owner of property subject to preferential  
 17 assessment may lease land covered by the preferential assessment  
 18 for gas and oil exploration.

19 (2) (i) The owner of property subject to preferential  
 20 assessment may utilize portions of the land covered by the

1 preferential assessment for gas and oil drilling and extraction  
2 if the following conditions are satisfied:

3 (A) Each tract of land so utilized is accessible.

4 (B) Each tract or tracts of land are not sold or subdivided.

5 (ii) Roll-back taxes shall be imposed upon the tract or  
6 tracts of land utilized by the landowner for gas and oil  
7 drilling and the fair market value of that tract or tracts of  
8 land shall be adjusted accordingly. The utilization of a tract  
9 or tracts of land for gas and oil drilling and extraction shall  
10 not invalidate the preferential assessment of the land which is  
11 not so utilized and the land shall continue to be eligible for  
12 preferential assessment if it continues to meet the requirements  
13 of section 3.

14 (3) A lease of land shall not be considered a subdivision  
15 under this subsection.

16 (b.5) The lessee of the tract or tracts of land used for gas  
17 and oil exploration or gas and oil drilling and extraction shall  
18 be solely responsible for obtaining required permits in  
19 connection with any construction on a tract or tracts of land  
20 which it leases under this section for gas and oil exploration  
21 or gas and oil drilling and extraction. No permit requested  
22 under this section shall be denied by a municipality for any  
23 reason other than failure to strictly comply with permit  
24 application procedures.

25 \* \* \*

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