

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1371 Session of 2015

INTRODUCED BY SCHWANK, EICHELBERGER, SABATINA, TEPLITZ AND COSTA, SEPTEMBER 29, 2016

REFERRED TO FINANCE, SEPTEMBER 29, 2016

AN ACT

1 Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An
 2 act relating to tax reform and State taxation by codifying
 3 and enumerating certain subjects of taxation and imposing
 4 taxes thereon; providing procedures for the payment,
 5 collection, administration and enforcement thereof; providing
 6 for tax credits in certain cases; conferring powers and
 7 imposing duties upon the Department of Revenue, certain
 8 employers, fiduciaries, individuals, persons, corporations
 9 and other entities; prescribing crimes, offenses and
 10 penalties," in realty transfer tax, further providing for
 11 excluded transactions; further providing for applicability;
 12 and making a related repeal.

13 The General Assembly of the Commonwealth of Pennsylvania
 14 hereby enacts as follows:

15 Section 1. Section 1102-C.3(18) of the act of March 4, 1971
 16 (P.L.6, No.2), known as the Tax Reform Code of 1971, amended
 17 July 13, 2016 (P.L.526, No.84), is amended to read:

18 Section 1102-C.3. Excluded Transactions.--The tax imposed by
 19 section 1102-C shall not be imposed upon:

20 * * *

21 (18) Any of the following:

22 (i) A transfer to a conservancy.

23 (ii) A transfer from a conservancy to the United States, the

1 Commonwealth or to any of their instrumentalities, agencies or
2 political subdivisions.

3 (iii) A transfer from a conservancy where the real estate is
4 encumbered by a perpetual agricultural conservation easement as
5 defined by the act of June 30, 1981 (P.L.128, No.43), known as
6 the "Agricultural Area Security Law," and such conservancy has
7 owned the real estate for at least two years immediately prior
8 to the transfer.

9 (iv) A transfer occurring after November 30, 2014, of an
10 agricultural conservation easement to or from the Commonwealth,
11 a county, a local government unit or a conservancy under
12 authority of the "Agricultural Area Security Law."

13 (v) A transfer of a conservation easement or preservation
14 easement under the act of June 22, 2001 (P.L.390, No.29), known
15 as the "Conservation and Preservation Easements Act."

16 (vi) A transfer of a perpetual historic preservation
17 easement, a perpetual public trail easement or other perpetual
18 public recreational use easement, a perpetual scenic
19 preservation easement or a perpetual open-space preservation
20 easement to or from the United States, the Commonwealth, a
21 county, a local government unit or a conservancy.

22 * * *

23 Section 2. Section 51(11)(iii) of the act of July 13, 2016
24 (No.526, No.84), is repealed insofar as it is inconsistent with
25 the amendment of section 1102-C.3(18)(iv) of the act and section
26 3 of this act.

27 Section 3. The following provisions shall apply
28 retroactively to November 30, 2014:

29 (1) The amendment of section 1102-C.3(18)(iv) of the
30 act.

1 (2) Section 2 of this act.

2 Section 4. This act shall take effect immediately.