

## No. 1994-133

## AN ACT

## HB 2367

Amending the act of December 19, 1974 (P.L.973, No.319), entitled "An act prescribing the procedure under which an owner may have land devoted to agricultural use, agricultural reserve use, or forest reserve use, valued for tax purposes at the value it has for such uses, and providing for reassessment and certain interest payments when such land is applied to other uses and making editorial changes," further providing for determination of amounts of taxes when use abandoned.

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

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

Section 8. Determination of Amounts of Taxes When Use Abandoned.—

\* \* \*

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

- (1) a school district;
- (2) a municipality;
- (3) a county;
- (4) a volunteer fire company;
- (5) a volunteer ambulance service; or

(6) a not-for-profit corporation, tax exempt under section 501(c)(3) of the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. § 501(c)(3)), provided that, prior to accepting ownership of the land, such corporation enters into an agreement with the municipality wherein the subject land is located guaranteeing that it will be used exclusively for recreational purposes, all of which shall be available to the general public free of

*charge. In the event the corporation changes the use of all or a portion of the land or charges admission or any other fee for the use or enjoyment of the facilities, the corporation shall immediately become liable for all roll-back taxes and accrued interest previously forgiven pursuant hereto.*

\* \* \*

*(e) (1) Notwithstanding the provisions of subsection (a), no roll-back taxes shall be due and no breach of a preferential assessment shall be deemed to have occurred if:*

*(i) the land transferred from a preferential assessment is conveyed to a nonprofit corporation for use as a cemetery; and*

*(ii) at least ten acres of land remain in the preferential use after removal.*

*(2) A subsequent resale of any of the removed land for use other than as a cemetery shall subject the nonprofit corporation to payment of roll-back taxes and interest due on the entire tract of land removed.*

Section 2. This act shall take effect immediately.

APPROVED—The 12th day of December, A.D. 1994.

ROBERT P. CASEY