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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1053 Session of  
2017

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INTRODUCED BY STURLA, KINSEY, BULLOCK, SOLOMON, McNEILL,  
D. COSTA, THOMAS, FREEMAN AND DONATUCCI, APRIL 3, 2017

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
APRIL 3, 2017

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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 definitions and for applications for  
9 preferential assessments; and making related repeals.

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

12 Section 1. Section 2 of the act of December 19, 1974  
13 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest  
14 Land Assessment Act of 1974, is amended by adding definitions to  
15 read:

16 Section 2. Definitions.--As used in this act, the following  
17 words and phrases shall have the meanings ascribed to them in  
18 this section unless the context obviously otherwise requires:

19 \* \* \*

20 "Erosion and sediment control plan." A site-specific plan  
21 identifying best management practices to minimize accelerated

1 erosion and sedimentation from agricultural runoff that meets  
2 the requirements of 25 Pa. Code Ch. 102 (relating to erosion and  
3 sediment control).

4 \* \* \*

5 "Manure management plan." A plan to ensure that a manure  
6 storage facility is designed, constructed, operated and  
7 maintained in accordance with current engineering and agronomic  
8 practices to be structurally sound, watertight and located and  
9 sized properly to prevent pollution of surface water and  
10 groundwater, including design to prevent discharge to surface  
11 waters during a storm up to a 25-year, 24-hour storm and meets  
12 the requirements of 25 Pa. Code Ch. 91.36 (relating to pollution  
13 control and prevention at agricultural operations).

14 "National pollutant discharge system permit for concentrated  
15 animal feeding operations." A permit required by 40 CFR Ch. 1,  
16 Subch. D (relating to water programs).

17 \* \* \*

18 "Nutrient management plan." A written site-specific plan that  
19 incorporates best management practices to manage the use of  
20 plant nutrients for crop production and water quality  
21 protection, as defined in 3 Pa.C.S. § 503 (relating to  
22 definitions).

23 \* \* \*

24 Section 2. Section 4 of the act is amended by adding a  
25 subsection to read:

26 Section 4. Applications for Preferential Assessments.--\* \* \*

27 (b.4) (1) An application for an agricultural preferential  
28 assessment shall include a verification that the landowner is in  
29 compliance with Federal and State regulations, including, but  
30 not limited to, the following, as applicable:

1 (i) an erosion and sediment control plan;  
2 (ii) a nutrient management plan;  
3 (iii) a manure management plan; and  
4 (iv) a national pollutant discharge elimination system  
5 permit for concentrated animal feeding operations.

6 (2) An application for a forest preferential assessment  
7 shall include a verification that the landowner is in compliance  
8 with Federal and State regulations, including, but not limited  
9 to, an erosion and sediment control plan.

10 (3) A landowner with an existing preferential assessment  
11 shall verify compliance under paragraph (1) or (2) no later than  
12 two years after the effective date of this subsection. If a  
13 landowner fails to verify compliance, the landowner will be  
14 subject to roll-back taxes under section 5.1.

15 (4) The department shall provide a verification form that an  
16 applicant or landowner with an existing preferential assessment  
17 must sign.

18 (5) The department shall develop a rolling process to verify  
19 conservation compliance under paragraphs (1) and (2).

20 (6) If the department determines that a landowner has  
21 intentionally made a false statement on a verification and does  
22 not comply with existing laws and regulations pertaining to  
23 agricultural or forestry operations, the landowner shall be  
24 subject to roll-back taxes under section 5.1.

25 (7) A landowner may appeal a determination of the department  
26 under this subsection in accordance with the provisions of  
27 section 9.

28 \* \* \*

29 Section 3. Repeals are as follows:

30 (1) The General Assembly declares that the repeal under

1 paragraph (2) is necessary to effectuate this act.

2 (2) Section 702 of the act of June 22, 1937 (P.L.1987,  
3 No.394), known as The Clean Streams Law, is repealed.

4 Section 4. This act shall take effect in 60 days.