

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 638 Session of
2013

INTRODUCED BY VOGEL, PILEGGI, GORDNER, WHITE, RAFFERTY, YAW,
ROBBINS, WAUGH, ERICKSON, VULAKOVICH, ALLOWAY, BAKER,
SOLOBAY, HUTCHINSON, BROWNE, MENSCH, BRUBAKER, SCARNATI,
SCHWANK AND WILEY, MARCH 15, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 20, 2013

AN ACT

1 ~~Amending Title 53 (Municipalities Generally) of the Pennsylvania~~ <--
2 ~~Consolidated Statutes, further providing for definitions and~~
3 ~~for exemptions from taxation.~~
4 AMENDING THE ACT OF MAY 22, 1933 (P.L.853, NO.155), ENTITLED "AN <--
5 ACT RELATING TO TAXATION; DESIGNATING THE SUBJECTS, PROPERTY
6 AND PERSONS SUBJECT TO AND EXEMPT FROM TAXATION FOR ALL LOCAL
7 PURPOSES; PROVIDING FOR AND REGULATING THE ASSESSMENT AND
8 VALUATION OF PERSONS, PROPERTY AND SUBJECTS OF TAXATION FOR
9 COUNTY PURPOSES, AND FOR THE USE OF THOSE MUNICIPAL AND
10 QUASI-MUNICIPAL CORPORATIONS WHICH LEVY THEIR TAXES ON COUNTY
11 ASSESSMENTS AND VALUATIONS; AMENDING, REVISING AND
12 CONSOLIDATING THE LAW RELATING THERETO; AND REPEALING
13 EXISTING LAWS," FURTHER PROVIDING FOR DEFINITIONS AND FOR <--
14 SUBJECTS OF TAXATION ENUMERATED.

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

17 ~~Section 1. Section 8802 of Title 53 of the Pennsylvania~~ <--
18 ~~Consolidated Statutes is amended by adding a definition to read:~~
19 ~~§ 8802. Definitions.~~

20 ~~The following words and phrases when used in this chapter~~
21 ~~shall have the meanings given to them in this section unless the~~
22 ~~context clearly indicates otherwise:~~

1 * * *

2 ~~"High tunnel." A covered agricultural structure which meets~~
3 ~~the following:~~

4 ~~(1) Is used for the production of agricultural~~
5 ~~commodities, including any of the following:~~

6 ~~(i) Growing, processing or storing agricultural~~
7 ~~products.~~

8 ~~(ii) Shelter for the sale of agricultural products.~~

9 ~~(iii) Housing livestock.~~

10 ~~(iv) Storage of agricultural waste, equipment and~~
11 ~~other material used in agricultural production.~~

12 ~~(2) Is constructed consistent with all of the following:~~

13 ~~(i) Has a metal, wood or plastic frame.~~

14 ~~(ii) Has a plastic, woven textile or other flexible~~
15 ~~covering.~~

16 ~~(iii) Has a floor made of soil, crushed stone,~~
17 ~~matting, pavers or a floating concrete slab.~~

18 ~~(iv) Requirements determined by the Department of~~
19 ~~Revenue in consultation with the Department of~~
20 ~~Agriculture.~~

21 * * *

22 Section 2. Section 8812(a) of Title 53 is amended by adding
23 a paragraph to read:

24 ~~§ 8812. Exemptions from taxation.~~

25 ~~(a) General rule. The following property shall be exempt~~
26 ~~from all county, city, borough, town, township, road, poor,~~
27 ~~county institution district and school real estate taxes:~~

28 * * *

29 ~~(16) All high tunnels.~~

30 * * *

1 ~~Section 3. This act shall take effect in 60 days.~~

2 ~~SECTION 1. SECTION 201(A) OF THE ACT OF MAY 22, 1933~~ <--
3 ~~(P.L.853, NO.155), KNOWN AS THE GENERAL COUNTY ASSESSMENT LAW,~~
4 ~~AMENDED OCTOBER 4, 2002 (P.L.873, NO.124), IS AMENDED TO READ:~~

5 SECTION 1. SECTION 102 OF THE ACT OF MAY 22, 1933 (P.L.853, <--
6 NO.155), KNOWN AS THE GENERAL COUNTY ASSESSMENT LAW, IS AMENDED
7 BY ADDING A DEFINITION TO READ:

8 SECTION 102. DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES
9 SHALL, FOR THE PURPOSE OF THIS ACT, HAVE THE MEANINGS
10 RESPECTIVELY ASCRIBED TO THEM IN THIS SECTION, EXCEPT WHERE THE
11 CONTEXT CLEARLY INDICATES A DIFFERENT MEANING:

12 * * *

13 "HIGH TUNNEL" SHALL MEAN A STRUCTURE WHICH MEETS THE
14 FOLLOWING:

15 (1) IS USED FOR THE PRODUCTION, PROCESSING, KEEPING,
16 STORING, SALE OR SHELTER OF AN AGRICULTURAL COMMODITY AS DEFINED
17 IN SECTION 2 OF THE ACT OF DECEMBER 19, 1974 (P.L.973, NO.319),
18 KNOWN AS THE "PENNSYLVANIA FARMLAND AND FOREST LAND ASSESSMENT
19 ACT OF 1974," OR FOR THE STORAGE OF AGRICULTURAL EQUIPMENT OR
20 SUPPLIES.

21 (2) IS CONSTRUCTED CONSISTENT WITH ALL OF THE FOLLOWING:

22 (I) HAS A METAL, WOOD OR PLASTIC FRAME.

23 (II) WHEN COVERED, HAS A PLASTIC, WOVEN TEXTILE OR OTHER
24 FLEXIBLE COVERING.

25 (III) HAS A FLOOR MADE OF SOIL, CRUSHED STONE, MATTING,
26 PAVERS OR A FLOATING CONCRETE SLAB.

27 SECTION 2. SECTION 201(A) OF THE ACT, AMENDED OCTOBER 4,
28 2002 (P.L.873, NO.124), IS AMENDED TO READ:

29 SECTION 201. SUBJECTS OF TAXATION ENUMERATED.--THE FOLLOWING
30 SUBJECTS AND PROPERTY SHALL, AS HEREINAFTER PROVIDED, BE VALUED

1 AND ASSESSED, AND SUBJECT TO TAXATION FOR ALL COUNTY, CITY,
2 BOROUGH, TOWN, TOWNSHIP, SCHOOL AND POOR PURPOSES AT THE ANNUAL
3 RATE:

4 (A) ALL REAL ESTATE, TO WIT: HOUSES, HOUSE TRAILERS AND
5 MOBILEHOMES BUILDINGS PERMANENTLY ATTACHED TO LAND OR CONNECTED
6 WITH WATER, GAS, ELECTRIC OR SEWAGE FACILITIES, BUILDINGS,
7 LANDS, LOTS OF GROUND AND GROUND RENTS, TRAILER PARKS AND
8 PARKING LOTS, MILLS AND MANUFACTORIES OF ALL KINDS, FURNACES,
9 FORGES, BLOOMERIES, DISTILLERIES, SUGAR HOUSES, MALT HOUSES,
10 BREWERIES, TAN YARDS, FISHERIES, AND FERRIES, WHARVES, ALL
11 OFFICE TYPE CONSTRUCTION OF WHATEVER KIND, THAT PORTION OF A
12 STEEL, LEAD, ALUMINUM OR LIKE MELTING AND CONTINUOUS CASTING
13 STRUCTURES WHICH ENCLOSE, PROVIDE SHELTER OR PROTECTION FROM THE
14 ELEMENTS FOR THE VARIOUS MACHINERY, TOOLS, APPLIANCES,
15 EQUIPMENT, MATERIALS OR PRODUCTS INVOLVED IN THE MILL, MINE,
16 MANUFACTORY OR INDUSTRIAL PROCESS, AND ALL OTHER REAL ESTATE NOT
17 EXEMPT BY LAW FROM TAXATION. MACHINERY, TOOLS, APPLIANCES AND
18 OTHER EQUIPMENT CONTAINED IN ANY MILL, MINE, MANUFACTORY OR
19 INDUSTRIAL ESTABLISHMENT SHALL NOT BE CONSIDERED OR INCLUDED AS
20 A PART OF THE REAL ESTATE IN DETERMINING THE VALUE OF SUCH MILL,
21 MINE, MANUFACTORY OR INDUSTRIAL ESTABLISHMENT. NO OFFICE TYPE
22 CONSTRUCTION OF WHATEVER KIND SHALL BE EXCLUDED FROM TAXATION
23 BUT SHALL BE CONSIDERED A PART OF REAL PROPERTY SUBJECT TO
24 TAXATION. THAT PORTION OF A STEEL, LEAD, ALUMINUM OR LIKE
25 MELTING AND CONTINUOUS CASTING STRUCTURE WHICH ENCLOSSES,
26 PROVIDES SHELTER OR PROTECTION FROM THE ELEMENTS FOR THE VARIOUS
27 MACHINERY, TOOLS, APPLIANCES, EQUIPMENT, MATERIALS OR PRODUCTS
28 INVOLVED IN THE MILL, MINE, MANUFACTORY OR INDUSTRIAL PROCESS
29 SHALL BE CONSIDERED AS PART OF REAL PROPERTY SUBJECT TO
30 TAXATION. NO SILO USED PREDOMINATELY FOR PROCESSING OR STORAGE

1 OF ANIMAL FEED INCIDENTAL TO OPERATION OF THE FARM ON WHICH IT
2 IS LOCATED, NO FREE-STANDING DETACHABLE GRAIN BIN OR CORN CRIB
3 USED EXCLUSIVELY FOR PROCESSING OR STORAGE OF ANIMAL FEED
4 INCIDENTAL TO THE OPERATION OF THE FARM ON WHICH IT IS LOCATED
5 AND NO IN-GROUND AND ABOVE-GROUND STRUCTURES AND CONTAINMENTS
6 USED PREDOMINANTLY FOR PROCESSING AND STORAGE OF ANIMAL WASTE
7 AND COMPOSTING FACILITIES INCIDENTAL TO OPERATION OF THE FARM ON
8 WHICH THE STRUCTURES AND CONTAINMENTS ARE LOCATED, SHALL BE
9 INCLUDED IN DETERMINING THE VALUE OF REAL ESTATE USED
10 PREDOMINANTLY AS A FARM: PROVIDED, THAT FOR THE TAX OR FISCAL
11 YEAR BEGINNING ON OR AFTER THE FIRST DAY OF JANUARY, ONE
12 THOUSAND NINE HUNDRED FIFTY-EIGHT, EIGHTY PER CENTUM OF THE
13 ASSESSED VALUE OF ANY SUCH MACHINERY, TOOLS, APPLIANCES AND
14 OTHER EQUIPMENT LOCATED IN COUNTIES OF THE SECOND CLASS AS WELL
15 AS IN ALL CITIES OF THE THIRD CLASS, BOROUGHES, TOWNSHIPS, SCHOOL
16 DISTRICTS OF THE SECOND, THIRD AND FOURTH CLASS, AND
17 INSTITUTIONAL DISTRICTS IN COUNTIES OF THE SECOND CLASS, SHALL
18 BE CONSIDERED AND INCLUDED IN DETERMINING THE VALUE OF SUCH
19 MILL, MINE, MANUFACTORY OR INDUSTRIAL ESTABLISHMENT: PROVIDED
20 FURTHER, THAT FOR THE TAX OR FISCAL YEAR BEGINNING ON OR AFTER
21 THE FIRST DAY OF JANUARY, ONE THOUSAND NINE HUNDRED FIFTY-NINE,
22 SIXTY PER CENTUM OF THE ASSESSED VALUE OF ANY SUCH MACHINERY,
23 TOOLS, APPLIANCES AND OTHER EQUIPMENT LOCATED IN SAID POLITICAL
24 SUBDIVISIONS, SHALL BE CONSIDERED AND INCLUDED IN DETERMINING
25 THE VALUE OF SUCH MILL, MINE, MANUFACTORY OR INDUSTRIAL
26 ESTABLISHMENT: PROVIDED FURTHER, THAT FOR THE TAX OR FISCAL YEAR
27 BEGINNING ON OR AFTER THE FIRST DAY OF JANUARY, ONE THOUSAND
28 NINE HUNDRED SIXTY, FORTY PER CENTUM OF THE ASSESSED VALUE OF
29 ANY SUCH MACHINERY, TOOLS, APPLIANCES AND OTHER EQUIPMENT
30 LOCATED IN SAID POLITICAL SUBDIVISIONS, SHALL BE CONSIDERED AND

1 INCLUDED IN DETERMINING THE VALUE OF SUCH MILL, MINE,
2 MANUFACTORY OR INDUSTRIAL ESTABLISHMENT: PROVIDED FURTHER, THAT
3 FOR THE TAX OR FISCAL YEAR BEGINNING ON OR AFTER THE FIRST DAY
4 OF JANUARY, ONE THOUSAND NINE HUNDRED SIXTY-ONE, TWENTY PER
5 CENTUM OF THE ASSESSED VALUE OF ANY SUCH MACHINERY, TOOLS,
6 APPLIANCES AND OTHER EQUIPMENT LOCATED IN SAID POLITICAL
7 SUBDIVISIONS, SHALL BE CONSIDERED AND INCLUDED IN DETERMINING
8 THE VALUE OF SUCH MILL, MINE, MANUFACTORY OR INDUSTRIAL
9 ESTABLISHMENT: PROVIDED FURTHER, THAT FOR THE TAX OR FISCAL
10 YEARS BEGINNING ON OR AFTER THE FIRST DAY OF JANUARY, ONE
11 THOUSAND NINE HUNDRED SIXTY-TWO, NO PORTION OF THE VALUE OF ANY
12 SUCH MACHINERY, TOOLS, APPLIANCES AND OTHER EQUIPMENT REGARDLESS
13 OF WHERE LOCATED, SHALL BE CONSIDERED AND INCLUDED IN
14 DETERMINING THE VALUE OF SUCH MILL, MINE, MANUFACTORY OR
15 INDUSTRIAL ESTABLISHMENT: PROVIDED FURTHER, THAT NOTHING
16 CONTAINED IN THIS SECTION OF THIS ACT SHALL BE CONSTRUED AS AN
17 INTENT TO PROVIDE FOR THE VALUING AND ASSESSING AND SUBJECTING
18 TO TAXATION FOR PURPOSES OF ANY CITY OF THE SECOND CLASS OR ANY
19 SCHOOL DISTRICT OF THE FIRST CLASS A ANY SUCH MACHINERY, TOOLS,
20 APPLIANCES AND OTHER EQUIPMENT: AND PROVIDED FURTHER, THAT SUCH
21 EXCLUSION OF SILOS USED PREDOMINANTLY FOR PROCESSING OR STORAGE
22 OF ANIMAL FEED INCIDENTAL TO OPERATION OF THE FARM ON WHICH THE
23 SILO IS LOCATED SHALL BE INCLUDED IN DETERMINING THE VALUE OF
24 REAL ESTATE USED PREDOMINANTLY AS A FARM SHALL BECOME EFFECTIVE
25 FOR TAXES TO BE LEVIED FOR THE TAX OR FISCAL YEAR BEGINNING ON
26 OR AFTER THE FIRST DAY OF JANUARY, ONE THOUSAND NINE HUNDRED
27 SEVENTY-FOUR: AND PROVIDED FURTHER, THAT SUCH EXCLUSION OF FREE-
28 STANDING DETACHABLE GRAIN BINS AND CORN CRIBS USED EXCLUSIVELY
29 FOR PROCESSING OR STORAGE OF ANIMAL FEED INCIDENTAL TO OPERATION
30 OF THE FARM ON WHICH THE GRAIN BIN OR CORN CRIB IS LOCATED SHALL

1 BECOME EFFECTIVE IN DETERMINING THE VALUE OF REAL ESTATE USED
2 PREDOMINANTLY AS A FARM FOR TAXES TO BE LEVIED FOR THE TAX OR
3 FISCAL YEAR BEGINNING ON OR AFTER THE FIRST DAY OF JANUARY, ONE
4 THOUSAND NINE HUNDRED EIGHTY-FIVE. NO AMUSEMENT PARK RIDES SHALL
5 BE ASSESSED OR TAXED AS REAL ESTATE REGARDLESS OF WHETHER THEY
6 HAVE BECOME AFFIXED TO THE REAL ESTATE. ~~NO COVERED AGRICULTURAL~~ <--
7 ~~STRUCTURE SHALL BE ASSESSED OR TAXED AS REAL ESTATE REGARDLESS~~
8 ~~OF WHETHER THE STRUCTURE HAS BECOME AFFIXED TO THE REAL ESTATE,~~
9 ~~WHEN THE STRUCTURE IS CONSTRUCTED CONSISTENT WITH ALL OF THE~~
10 ~~FOLLOWING:~~

11 ~~(1) HAS A METAL, WOOD OR PLASTIC FRAME;~~

12 ~~(2) HAS A PLASTIC, WOVEN TEXTILE OR OTHER FLEXIBLE COVERING;~~

13 ~~AND~~

14 ~~(3) HAS A FLOOR MADE OF SOIL, CRUSHED STONE, MATTING, PAVERS~~
15 ~~OR A FLOATING CONCRETE SLAB. NO HIGH TUNNEL SHALL BE ASSESSED OR~~ <--
16 ~~TAXED AS REAL ESTATE REGARDLESS OF WHETHER THE STRUCTURE HAS~~
17 ~~BECOME AFFIXED TO THE REAL ESTATE.~~

18 * * *

19 SECTION 2 3. THIS ACT SHALL TAKE EFFECT IN 60 DAYS. <--