



# Senate Agriculture and Rural Affairs Committee

**Senator Elder Vogel Jr.**

Chairman

*Michael Rader, Executive Director*

Senate Box 203047 • State Capitol Building • Harrisburg, PA 17120

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February 24, 2015

Senate Bill: 201

Printers Number: 0113

Prime Sponsor: Schwank

## SYNOPSIS

Amends the PA Farmland and Forest Land Assessment Act, also known as Clean and Green, clarifying who can operate a rural enterprise incidental to the land receiving preferential assessment.

## BILL SUMMARY

The bills authorizes a landowner who is enrolled in clean and green to lease up to two acres for the operation of a rural enterprise which is incidental to the tract of land enrolled in clean and green.

*Effective Date: 60 Days*

## CURRENT LAW

Clean and Green currently allows the owner of enrolled land to apply up to two acres for a rural enterprise, but prohibits another party via lease to do the same.



THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 201 Session of 2015

INTRODUCED BY SCHWANK, VOGEL, TEPLITZ, SMITH, YUDICHAK, BOSCOLA,  
COSTA, VULAKOVICH AND RAFFERTY, JANUARY 15, 2015

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, JANUARY 15, 2015

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 roll-back taxes and special circumstances.

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

11 Section 1. Section 8(d) 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, amended October 24, 2012 (P.L.1499,  
14 No.190), is amended to read:

15 Section 8. Roll-Back Taxes; Special Circumstances.--

16 \* \* \*

17 (d) (1) A landowner may apply a maximum of two acres of a  
18 tract of land subject to preferential assessment toward direct  
19 commercial sales of agriculturally related products and  
20 activities or for a rural enterprise incidental to the  
21 operational unit without subjecting the entire tract to roll-

1 back taxes, provided that:

2 (i) The commercial activity is owned and operated by [the]  
3 either:

4 (A) the landowner or his beneficiaries who are designated as  
5 class A for inheritance tax purposes[.] for the purposes of  
6 direct commercial sales of agriculturally related products and  
7 activities or for a rural enterprise incidental to the  
8 operational unit; or

9 (B) a party other than the landowner who enters into a lease  
10 with the landowner for the operation of a rural enterprise  
11 incidental to the operational unit on the tract of land that is  
12 subject to this subsection.

13 (ii) An assessment of the inventory of the goods involved  
14 verifies that it is owned by the landowner or his beneficiaries.

15 (iii) The rural enterprise does not permanently render the  
16 land incapable of producing an agricultural commodity.

17 (2) Roll-back taxes shall be imposed upon that portion of  
18 the tract where the commercial activity takes place and the fair  
19 market value of that tract shall be adjusted accordingly.

20 (3) Notwithstanding the provisions of paragraph (2), no  
21 roll-back taxes shall be due and no breach of a preferential  
22 assessment shall be deemed to have occurred if the direct  
23 commercial sales of agriculturally related products:

24 (i) take place on no more than one half of an acre;

25 (ii) are of at least fifty percent (50%) of products  
26 produced on the tract; and

27 (iii) require no new utilities or buildings.

28 \* \* \*

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



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February 24, 2015

**Amendment to Senate Bill: 201**

**Printers Number: 0113**

**Amendment Number:**

**Prime Sponsor: SCHWANK**

## **SYNOPSIS**

Amends the PA Farmland and Forest Land Assessment Act, also known as Clean and Green, clarifying who can operate a rural enterprise incidental to the land receiving preferential assessment.

## **AMENDMENT SUMMARY**

Makes technical changes to the rural enterprise language in the bill.

## **CURRENT LAW**

Clean and Green currently allows the owner of enrolled land to apply up to two acres for a rural enterprise, but prohibits another party via lease to do the same.



## LEGISLATIVE REFERENCE BUREAU

## AMENDMENTS TO SENATE BILL NO. 201

Sponsor:

Printer's No. 113

1 Amend Bill, page 1, line 17, by inserting after "landowner"  
2 or another person

3 Amend Bill, page 2, line 1, by inserting a bracket before  
4 "that:"

5 Amend Bill, page 2, line 2, by striking out the bracket  
6 before "the"

7 Amend Bill, page 2, lines 2 through 4, by striking out the  
8 bracket after "the" in line 2, all of line 3 and "(A) the" in  
9 line 4

10 Amend Bill, page 2, line 5, by striking out the bracket  
11 before the period after "purposes"

12 Amend Bill, page 2, lines 5 through 12, by striking out "  
13 for the purposes of" in line 5 and all of lines 6 through 12

14 Amend Bill, page 2, line 15, by inserting after "The"  
15 ] the

