

No. 2006-167

AN ACT

SB 514

Amending the act of May 21, 1943 (P.L.571, No.254), entitled, as amended, "An act relating to assessment for taxation in counties of the fourth, fifth, sixth, seventh and eighth classes; designating the subjects, property and persons subject to and exempt from taxation for county, borough, town, township, school, except in cities and county institution district purposes; and providing for and regulating the assessment and valuation thereof for such purposes; creating in each such county a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for the acceptance of this act by cities; regulating the office of ward, borough, town and township assessors; abolishing the office of assistant triennial assessor in townships of the first class; providing for the appointment of a chief assessor, assistant assessors and other employees; providing for their compensation payable by such counties; prescribing certain duties of and certain fees to be collected by the recorder of deeds and municipal officers who issue building permits; imposing duties on taxables making improvements on land and grantees of land; prescribing penalties; and eliminating the triennial assessment," expanding the scope of the act; further providing for the short title, for definitions, for applicability and for subjects of taxation; eliminating the office of elected assessor in townships of the second class; providing for valuation of real property used for wind energy generation; and making a related repeal.

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

Section 1. The title of the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, amended January 18, 1952 (1951 P.L.2138, No.606), is amended to read:

AN ACT

Relating to assessment for taxation in counties of the fourth, fifth, sixth, seventh and eighth classes; designating the subjects, property and persons subject to and exempt from taxation for county, borough, town, township, school, except in cities and county institution district purposes; and providing for and regulating the assessment and valuation thereof for such purposes; creating in each such county a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for the acceptance of this act by cities; regulating the office of ward, borough, town and township assessors; abolishing the office of assistant triennial assessor in townships of the first class; providing for the appointment of a chief assessor, assistant assessors and other employees; providing for their compensation payable by such counties; prescribing certain duties of and certain fees to be collected by the recorder of deeds and municipal officers who issue building permits; imposing duties on taxables making improvements on land and grantees of land; prescribing penalties; **[and] eliminating the triennial assessment; and regulating certain assessments in all counties.**

Section 2. Section 101 of the act is amended to read:

Section 101. Short Title.—This act shall be known and may be cited as “The Fourth to Eighth Class *and Selective* County Assessment Law.”

Section 3. The definition of “assessor” in section 102 of the act is amended to read:

Section 102. Definitions.—The following words and phrases shall for the purpose of this act have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

“Assessor” shall mean the assessor elected in each borough, town and township[, and] *of the first class and elected in* each ward of each city, borough or town, including the assistant assessor, if any, in first class townships.

* * *

Section 4. Section 103 of the act is amended to read:

Section 103. Application of Act.—[This] (a) *Except as set forth in subsection (b), this* act shall apply in all counties of the fourth, fifth, sixth, seventh and eighth classes of the Commonwealth.

(b) *Sections 201(a.1) and 602.4 shall apply to counties of all classes of the Commonwealth.*

(c) When the valuations and assessments as provided by this act have been made, all taxation for county, borough, town, township, school purposes, (except in cities), county institution district and poor purposes, within the limits of such counties affected by this act shall be based upon such valuations.

Section 5. Section 201 of the act, amended July 28, 1953 (P.L.703, No.227), June 16, 1972 (P.L.447, No.137) and October 4, 2002 (P.L.876, No.125), is amended to read:

Section 201. Subjects of Taxation Enumerated.—The following subjects and property shall as hereinafter provided be valued and assessed and subject to taxation for all county, borough, town, township, school, (except in cities), poor and county institution district purposes, at the annual rate,

(a) All real estate, to wit: Houses, house trailers and mobilehomes permanently attached to land or connected with water, gas, electric or sewage facilities, buildings, lands, lots of ground and ground rents, trailer parks and parking lots, mills and manufactories of all kinds, all office type construction of whatever kind, that portion of a steel, lead, aluminum or like melting and continuous casting structures which enclose, provide shelter or protection from the elements for the various machinery, tools, appliances, equipment, materials or products involved in the mill, mine, manufactory or industrial process, and all other real estate not exempt by law from taxation. Machinery, tools, appliances and other equipment contained in any mill, mine, manufactory or industrial establishment shall not be considered or included as a part of the real estate in determining the value of such mill, mine, manufactory or industrial establishment. No free-standing detachable

grain bin or corn crib used exclusively for processing or storage of animal feed incidental to the operation of the farm on which it is located, and no in-ground and above-ground structures and containments used predominantly for processing and storage of animal waste and composting facilities incidental to operation of the farm on which the structures and containments are located, shall be included in determining the value of real estate used predominantly as a farm. No office type construction of whatever kind shall be excluded from taxation but shall be considered a part of real property subject to taxation. That portion of a steel, lead, aluminum or like melting and continuous casting structure which encloses, provides shelter or protection from the elements for the various machinery, tools, appliances, equipment, materials or products involved in the mill, mine, manufactory or industrial process shall be considered as part of real property subject to taxation. No amusement park rides shall be assessed or taxed as real estate regardless of whether they have become affixed to the real estate.

(a.1) This section is subject to section 103(b). No wind turbine generators or related wind energy appliances and equipment, including towers and tower foundations, shall be considered or included as part of the real property in determining the fair market value and assessment of real property used for the purpose of wind energy generation. Real property used for the purpose of wind energy generation shall be valued under section 602.4.

(b) All salaries and emoluments of office, all offices and posts of profit, professions, trades and occupations, and all persons over the age of eighteen years who do not follow any occupation or calling, as well as unnaturalized foreign-born persons who shall have resided within this Commonwealth for one whole year as citizens of this Commonwealth.

(c) All other things and persons now taxable by the laws of this Commonwealth for county, city and school purposes.

Section 6. Section 501 of the act is amended to read:

Section 501. Election; Term of Office.—(a) At the municipal election preceding the expiration of the term of any assessor now in office, and every fourth year thereafter, the qualified voters resident therein shall elect:

- (1) In each ward in each city, an assessor;
- (2) In each ward of each borough divided into wards, an assessor;
- (3) In each borough not divided into wards, an assessor;
- (4) In each ward in each town, an assessor;
- (5) In each township of the first class, an assessor and an assistant assessor;

[(6) In each township of the second class, an assessor.]

Each assessor shall serve from the first Monday of January next succeeding his election, and for a period of four years thereafter.

(b) The offices of assistant triennial assessor in townships of the first class is hereby abolished.

Section 7. The act is amended by adding a section to read:

Section 602.4. Valuation of Real Property Used for the Purpose of Wind Energy Generation.—*This section is subject to sections 103(b) and 201(a.1). The valuation of real property used for the purpose of wind energy generation for assessment purposes shall be developed by the county assessor utilizing the income capitalization approach to value. The valuation shall be determined by the capitalized value of the land lease agreements, supplemented by the sales comparison data approach as deemed necessary by the county assessor. The lessee, or lessor on behalf of the lessee, shall provide the nonproprietary lease and lease income information reasonably needed by the county assessor to determine value by September 1.*

Section 8. Any assessor in office on the effective date of this section shall remain in office until the end of the term for which the assessor was elected; and, in any township in which an assessor continues in office in accordance with this section, the repeal of provisions of the Second Class Township Code in section 9 shall not apply until the end of the term for which the assessor was elected.

Section 9. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the provisions of this act.

(2) (i) Sections 405 and 1002 of the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, are repealed.

(ii) Sections 205, 401, 402, 407, 1301, 1401, 1902 and 3210 of The Second Class Township Code are repealed to the extent that they are inconsistent with this act.

Section 10. The following provisions shall not affect any agreement or agreed-to assessment practice actively in place in a county on the effective date of this section:

(1) The addition of section 103(b) of the act.

(2) The addition of section 201(a.1) of the act.

(3) The addition of section 602.4 of the act.

Section 11. This act shall take effect in 60 days.

APPROVED—The 29th day of November, A.D. 2006.

EDWARD G. RENDELL