

COUNTY CODE, THE - AMEND ELECTION OF CONTROLLERS IN COUNTIES OF
SIXTH, SEVENTH AND EIGHTH CLASSES AND AUTHORITY TO SELL OR LEASE
REAL PROPERTY

Act of Jun. 25, 2001, P.L. 666, No. 57

Cl. 16

Session of 2001

No. 2001-57

SB 597

AN ACT

Amending the act of August 9, 1955 (P.L.323, No.130), entitled, as amended, "An act relating to counties of the first, third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto; relating to imposition of excise taxes by counties, including authorizing imposition of an excise tax on the rental of motor vehicles by counties of the first class; and providing for regional renaissance initiatives," further providing for assistant county solicitors, for the time for the election of controllers in counties of the sixth, seventh and eighth classes and for authority to sell or lease real property.

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

Section 1. Section 605 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, is amended to read:

Section 605. Establishment of Office of Controller in Counties of the Sixth, Seventh and Eighth Classes.--(a) The office of controller may be established in any county of the sixth, seventh or eighth class by the affirmative vote of a majority of the electors of the county voting on the question submitted, as herein provided, at [any] **the** general[, municipal or primary] election **in which the auditors are in the third year of their term.**

(b) The question shall be submitted to the electors of the county [upon petition, in writing, of one hundred qualified electors of the county] **whenever county electors file a petition containing signatures equal to at least five per centum of the highest vote cast for any office in the county at the last preceding general election.** Such petition shall be filed with the county commissioners at least sixty days before the day of [any] **the** general[, municipal or primary] election at which the question is to be submitted. If the petition is sufficiently signed the county commissioners shall cause the question to be submitted in the manner provided by the Pennsylvania Election Code.

(c) If the majority of electors voting on the question shall vote in favor of establishing the office of county controller, such office shall thereby be established, and, at the next municipal election, and quadrennially thereafter, the electors of the county shall choose a citizen of the county for the office of controller in place of the county auditors.

Section 2. Section 904 of the act, amended December 22, 1981 (P.L.524, No.147), is amended to read:

Section 904. Assistant County Solicitors.--The county commissioners may appoint [not more than three] **one or more** assistant county solicitors, and, with the approval of the court of common pleas, special counsel who shall be attorneys at law admitted to practice in the courts of this Commonwealth. Each assistant and special counsel shall perform such duties in

connection with the legal affairs of the county as may be assigned to him by the county commissioners or the county solicitor.

Section 3. Section 2306 of the act, amended December 22, 2000 (P.L.1019, No.142), is amended to read:

Section 2306. Authority to Sell or Lease Real Property.--(a)

The board of commissioners may sell for not less than the fair market value or lease, either as lessor or lessee, any real property belonging to the county or to others where the county is lessee. If the commissioners know or have reason to believe that the property to be sold contains oil, gas, coal, stone, timber or other mineral or forest products of commercial value, such knowledge or belief shall be advertised together with the description of the land in at least two newspapers, in said county, of general circulation, once a week for three consecutive weeks. The fair market value of real property in the case of a sale valued in excess of ten thousand dollars (\$10,000) shall be determined by the county commissioners in consultation with two of the following: the county assessor, [licensed real estate brokers, or licensed] **certified broker-appraisers or certified** real estate appraisers doing business within the county. In the case of any lease of county property hereunder, such property, with any and all improvements or additions thereon or thereto, shall, in the hands of the lessee, be subject to taxation by such county and any other political subdivision therein, in the same manner as other real estate located in the county. Such taxes shall be levied and assessed against and paid by the lessee. This section shall not apply to leases or sales of county property or other property which are otherwise specifically provided for by law.

(b) The provisions of subsection (a) shall not be mandatory where county real property is to be sold to any of the following:

(1) A city, borough, town, township, institution district, school district, volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the county.

(2) A municipal authority pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945."

(3) A nonprofit corporation or limited partnership in which a nonprofit corporation is a general partner and managing agent engaged in community industrial, commercial or affordable housing development or reuse for its exclusive use for industrial, commercial or affordable housing development. This exemption shall not apply to property owned and operated by a county or subcontracted or operated on the behalf of a county in order to conduct existing government functions.

(4) A person for his exclusive use in an industrial development program.

(5) A nonprofit corporation organized as a public library for its exclusive use as a library.

(6) A nonprofit medical service corporation for its exclusive use as a site for a medical service facility.

(7) A nonprofit housing corporation for its exclusive use for housing for the elderly or for low-income housing.

(8) The Federal Government.

(9) The Commonwealth.

(10) **An authority pursuant to the act of August 23, 1967 (P.L.251, No.102), known as the "Economic Development Financing Law."**

(11) **A redevelopment authority pursuant to the act of May 24, 1945 (P.L.991, No.385), known as the "Urban Redevelopment Law."** When the real property is to be sold or leased to a qualified entity under this subsection, the board of commissioners may elect to accept such nominal consideration for such sale as it shall deem appropriate. Real property sold pursuant to this subsection to any

entity under this subsection, other than a city, borough, town, township, institution district, school district, municipal authority pursuant to the "Municipality Authorities Act of 1945," located within the county, the Federal Government or the Commonwealth shall be subject to the condition that when the property is not used for the purposes of the entity the property shall revert to the county.

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

APPROVED--The 25th day of June, A. D. 2001.

THOMAS J. RIDGE