

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 223

Session of
1981

INTRODUCED BY A. K. HUTCHINSON, A. C. FOSTER, JR., LEVI,
LIVENGOOD, PETRARCA, CLARK AND FRYER, JANUARY 26, 1981

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 26, 1981

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled,
2 "An act relating to counties of the third, fourth, fifth,
3 sixth, seventh and eighth classes; amending, revising,
4 consolidating and changing the laws relating thereto,"
5 eliminating the requirement of court approval for
6 commissioners to acquire, sell or lease certain lands and
7 buildings.

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

10 Section 1. The heading and subsection (a) of section 2305,
11 act of August 9, 1955 (P.L.323, No.130), known as "The County
12 Code," amended July 31, 1963 (P.L.372, No.200), are amended to
13 read:

14 Section 2305. Acquiring and Using Real Property; [Court
15 Approval;] Exceptions.--(a) The county commissioners may
16 purchase, take by gift, devise or by the power of eminent
17 domain, in accordance with the provisions of this act, such real
18 property at the county seat or in such other places, as may be
19 authorized by law, as they deem necessary for the purposes of a
20 county courthouse, county jail, prison, workhouse, detention

1 house or other county building, and in counties of the fourth,
2 fifth, sixth, seventh and eighth classes, lands and buildings
3 for the care of dependents and farms, either in acquisition of a
4 building suitable for such purposes, or in the construction of a
5 new building, or in the alteration, including enlargement, of an
6 existing county building. [Any purchase herein authorized shall
7 be subject to the approval of the court of common pleas of the
8 county as to purchase price, and no such contract shall bind the
9 county, nor shall any conveyance be valid until the court has so
10 approved the purchase price.] In [addition to such approval,]
11 any acquisition of lands and buildings for the care of
12 dependents and farms shall be subject to approval of the
13 Department of Public Welfare as to suitability.

14 * * *

15 Section 2. Section 2305.1 of the act added September 1, 1965
16 (P.L.452, No.230), is amended to read:

17 Section 2305.1. Acquiring and Developing Industrial Areas.--
18 The county commissioners may purchase, take by gift or devise
19 real property within the county including Federal surplus real
20 property, for the purpose of developing the same for industrial
21 use under a local, regional or county plan and to expend funds
22 to bring utilities within such county industrial area and to
23 develop such area for industrial sites. [Any purchase herein
24 authorized shall be subject to the approval of the court of
25 common pleas of the county as to the purchase price and no
26 contract shall bind the county, nor shall any conveyance be
27 valid until the court has approved the purchase price. After the
28 court has approved the purchase price thereof, the same] The
29 land so purchased may be developed as stated and may be sold
30 only to a local industrial development corporation, [upon the

1 approval of the court of the price at which the same is to be
2 sold].

3 Section 3. Sections 2306 and 2311 of the act are amended to
4 read:

5 Section 2306. Authority to Sell or Lease Real Property.--The
6 board of commissioners may sell or lease, either as lessor or
7 lessee, any real property belonging to the county or to others
8 where the county is lessee. [In the event of such sale, or of a
9 lease as lessor under which the lessee acquires on a royalty
10 basis or otherwise the right to drill for oil or gas or to mine
11 or remove coal, stone or other mineral products or to cut and
12 remove trees, stumps, wood or other forest products, the
13 commissioners shall petition the court of common pleas, setting
14 forth a description of the property to be sold or leased and the
15 reason therefor. If the commissioners know or have reason to
16 believe that the property to be sold contains oil, gas, coal,
17 stone, timber or other mineral or forest products of commercial
18 value, such knowledge or belief shall be stated together with
19 the description. The court shall thereupon fix a day for
20 hearing, notice of which shall be given in at least two
21 newspapers, in said county, of general circulation, once a week
22 for three consecutive weeks. After hearing, the court shall make
23 such order and decree as shall seem right and proper.] In the
24 case of any lease of county property hereunder, such property,
25 with any and all improvements or additions thereon or thereto,
26 shall, in the hands of the lessee, be subject to taxation by
27 such county and any other political subdivision therein, in the
28 same manner as other real estate located in the county. Such
29 taxes shall be levied and assessed against and paid by the
30 lessee. This section shall not apply to leases or sales of

1 county property or other property which are otherwise
2 specifically provided for by law.

3 Section 2311. Disposing of County Property for Other Uses;
4 Demolition; Court Approvals.--Whenever any new county building
5 is constructed to replace a county building no longer suitable
6 for the purposes of its use, or whenever the county has or
7 acquires, incident to purchase at tax sale or to any other
8 acquisition of land authorized by law, any building, title and
9 interest to which is in the county, and any such replaced or
10 acquired building is deemed no longer suitable or not suitable
11 for use as a county building or for use as an auxiliary to any
12 county building, the county commissioners may, [with the
13 approval of the court of common pleas,] devote said replaced or
14 acquired building to such other public use or purpose as shall
15 be found suitable and proper, including a war memorial. They
16 may, [with the approval of said court,] convey all or a part of
17 the title and interest of the county in such building, with or
18 without the land or a part of the land upon which it is situate,
19 either by sale or by gift, to any public or charitable
20 institutions or to any political subdivisions singly, in common,
21 or jointly, within the county.

22 The county commissioners may remove any such building from
23 one location to another within the county, [with the approval of
24 the court of common pleas,] for the purpose of enabling its use
25 as a county building by virtue of its relocation. The
26 commissioners may cause any such building to be demolished and
27 removed from land of the county, if of no use to the county [,
28 upon the approval of the court of common pleas, upon due cause
29 shown].

30 Section 4. Subsections (a) and (b) of section 2315 of the

1 act, subsection (b) amended April 26, 1963 (P.L.28, No.25), are
2 amended to read:

3 Section 2315. Authority and Procedure for Acquiring,
4 Constructing or Altering County Buildings; Exceptions.--(a) The
5 county commissioners may purchase or take by gift any building
6 at the county seat or elsewhere as authorized by law deemed
7 suitable and proper by them for use as a county building. [No
8 purchase thereof shall be made unless approved by the court of
9 common pleas of the county as to suitability and as to all terms
10 of the contract, including the purchase price.]

11 (b) The county commissioners may provide, in accordance with
12 this section, for the construction or alteration, including
13 enlargement of a county court house, county jail, prison,
14 workhouse, detention house and such other county buildings, as
15 may be required or authorized by law. Such construction or
16 alteration shall be done at the county seat or elsewhere as
17 authorized by law. Whenever the county commissioners undertake
18 any such construction or alteration, they shall cause to be
19 prepared plans and specifications therefor. [and shall submit
20 such plans and specifications of any county court house, county
21 jail, prison, workhouse or detention home as are approved by
22 them to the judges of the court of common pleas for approval. If
23 the said court, upon due consideration and such hearings and
24 other measures as it may desire, approve the said plans and
25 specifications as submitted or as modified, the] The county
26 commissioners may secure bids for the contract or contracts
27 involved in the construction or alteration in accordance with
28 this act. Any such contract or contracts shall be made as
29 provided by this act [, but shall, in addition, be subject to
30 the approval of the court of common pleas as being in accordance

1 with the plans and specifications approved by it, and otherwise
2 proper and authorized by law. The said court may, in each case,
3 follow such procedures, hear such witnesses, or call for such
4 evidence, as shall inform its judgments regarding such
5 approvals].

6 * * *

7 Section 5. This act shall take effect immediately.