

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 597 Session of 2001

INTRODUCED BY GERLACH, O'PAKE, LOGAN, COSTA, BELL, BOSCOLA,
GREENLEAF AND EARLL, MARCH 9, 2001

REFERRED TO LOCAL GOVERNMENT, MARCH 9, 2001

AN ACT

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

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

12 Section 1. Section 2306 of the act of August 9, 1955
13 (P.L.323, No.130), known as The County Code, amended December
14 22, 2000 (P.L.1019, No. 142), is amended to read:

15 Section 2306. Authority to Sell or Lease Real Property.--(a)
16 The board of commissioners may sell for not less than the fair
17 market value or lease, either as lessor or lessee, any real
18 property belonging to the county or to others where the county
19 is lessee. If the commissioners know or have reason to believe
20 that the property to be sold contains oil, gas, coal, stone,
21 timber or other mineral or forest products of commercial value,

1 such knowledge or belief shall be advertised together with the
2 description of the land in at least two newspapers, in said
3 county, of general circulation, once a week for three
4 consecutive weeks. The fair market value of real property in the
5 case of a sale valued in excess of ten thousand dollars
6 (\$10,000) shall be determined by the county commissioners in
7 consultation with two of the following: the county assessor,
8 licensed real estate brokers, or licensed real estate appraisers
9 doing business within the county. In the case of any lease of
10 county property hereunder, such property, with any and all
11 improvements or additions thereon or thereto, shall, in the
12 hands of the lessee, be subject to taxation by such county and
13 any other political subdivision therein, in the same manner as
14 other real estate located in the county. Such taxes shall be
15 levied and assessed against and paid by the lessee. This section
16 shall not apply to leases or sales of county property or other
17 property which are otherwise specifically provided for by law.

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

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

24 (2) A municipal authority pursuant to the act of May 2, 1945
25 (P.L.382, No.164), known as the "Municipality Authorities Act of
26 1945."

27 (3) A nonprofit corporation or limited partnership in which
28 a nonprofit corporation is a general partner and managing agent
29 engaged in community industrial, commercial or affordable
30 housing development or reuse for its exclusive use for

1 industrial, commercial or affordable housing development. This
2 exemption shall not apply to property owned and operated by a
3 county or subcontracted or operated on the behalf of a county in
4 order to conduct existing government functions.

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

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

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

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

13 (8) The Federal Government.

14 (9) The Commonwealth.

15 (10) A nonprofit corporation, authority or other entity as
16 part of a housing, community development or economic development
17 activity, project or effort.

18 When the real property is to be sold or leased to a qualified
19 entity under this subsection, the board of commissioners may
20 elect to accept such nominal consideration for such sale as it
21 shall deem appropriate. Real property sold pursuant to this
22 subsection to any entity under this subsection, other than a
23 city, borough, town, township, institution district, school
24 district, municipal authority pursuant to the "Municipality
25 Authorities Act of 1945," located within the county, the Federal
26 Government or the Commonwealth shall be subject to the condition
27 that when the property is not used for the purposes of the
28 entity the property shall revert to the county.

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