

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 597 Session of
2001

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

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 5, 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 ASSISTANT COUNTY SOLICITORS, for THE TIME FOR <—
10 THE ELECTION OF CONTROLLERS IN COUNTIES OF THE SIXTH, SEVENTH
11 AND EIGHTH CLASSES AND FOR authority to sell or lease real
12 property.

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

15 ~~Section 1. Section 2306 of the act of August 9, 1955~~ <—
16 ~~(P.L.323, No.130), known as The County Code, amended December~~
17 ~~22, 2000 (P.L.1019, No. 142), is amended to read:~~

18 SECTION 1. SECTION 605 OF THE ACT OF AUGUST 9, 1955 <—
19 (P.L.323, NO.130), KNOWN AS THE COUNTY CODE, IS AMENDED TO READ:

20 SECTION 605. ESTABLISHMENT OF OFFICE OF CONTROLLER IN
21 COUNTIES OF THE SIXTH, SEVENTH AND EIGHTH CLASSES.--(A) THE

1 OFFICE OF CONTROLLER MAY BE ESTABLISHED IN ANY COUNTY OF THE
2 SIXTH, SEVENTH OR EIGHTH CLASS BY THE AFFIRMATIVE VOTE OF A
3 MAJORITY OF THE ELECTORS OF THE COUNTY VOTING ON THE QUESTION
4 SUBMITTED, AS HEREIN PROVIDED, AT [ANY] THE GENERAL[, MUNICIPAL
5 OR PRIMARY] ELECTION IN WHICH THE AUDITORS ARE IN THE THIRD YEAR
6 OF THEIR TERM.

7 (B) THE QUESTION SHALL BE SUBMITTED TO THE ELECTORS OF THE
8 COUNTY [UPON PETITION, IN WRITING, OF ONE HUNDRED QUALIFIED
9 ELECTORS OF THE COUNTY] WHENEVER COUNTY ELECTORS FILE A PETITION
10 CONTAINING SIGNATURES EQUAL TO AT LEAST FIVE PER CENTUM OF THE
11 HIGHEST VOTE CAST FOR ANY OFFICE IN THE COUNTY AT THE LAST
12 PRECEDING GENERAL ELECTION. SUCH PETITION SHALL BE FILED WITH
13 THE COUNTY COMMISSIONERS AT LEAST SIXTY DAYS BEFORE THE DAY OF
14 [ANY] THE GENERAL[, MUNICIPAL OR PRIMARY] ELECTION AT WHICH THE
15 QUESTION IS TO BE SUBMITTED. IF THE PETITION IS SUFFICIENTLY
16 SIGNED THE COUNTY COMMISSIONERS SHALL CAUSE THE QUESTION TO BE
17 SUBMITTED IN THE MANNER PROVIDED BY THE PENNSYLVANIA ELECTION
18 CODE.

19 (C) IF THE MAJORITY OF ELECTORS VOTING ON THE QUESTION SHALL
20 VOTE IN FAVOR OF ESTABLISHING THE OFFICE OF COUNTY CONTROLLER,
21 SUCH OFFICE SHALL THEREBY BE ESTABLISHED, AND, AT THE NEXT
22 MUNICIPAL ELECTION, AND QUADRENNIALLY THEREAFTER, THE ELECTORS
23 OF THE COUNTY SHALL CHOOSE A CITIZEN OF THE COUNTY FOR THE
24 OFFICE OF CONTROLLER IN PLACE OF THE COUNTY AUDITORS.

25 SECTION 2. SECTION 904 OF THE ACT, AMENDED DECEMBER 22, 1981
26 (P.L.524, NO.147), IS AMENDED TO READ:

27 SECTION 904. ASSISTANT COUNTY SOLICITORS.--THE COUNTY
28 COMMISSIONERS MAY APPOINT [NOT MORE THAN THREE] ONE OR MORE
29 ASSISTANT COUNTY SOLICITORS, AND, WITH THE APPROVAL OF THE COURT
30 OF COMMON PLEAS, SPECIAL COUNSEL WHO SHALL BE ATTORNEYS AT LAW

1 ADMITTED TO PRACTICE IN THE COURTS OF THIS COMMONWEALTH. EACH
2 ASSISTANT AND SPECIAL COUNSEL SHALL PERFORM SUCH DUTIES IN
3 CONNECTION WITH THE LEGAL AFFAIRS OF THE COUNTY AS MAY BE
4 ASSIGNED TO HIM BY THE COUNTY COMMISSIONERS OR THE COUNTY
5 SOLICITOR.

6 SECTION 3. SECTION 2306 OF THE ACT, AMENDED DECEMBER 22,
7 2000 (P.L.1019, NO.142), IS AMENDED TO READ:

8 Section 2306. Authority to Sell or Lease Real Property.--(a)
9 The board of commissioners may sell for not less than the fair
10 market value or lease, either as lessor or lessee, any real
11 property belonging to the county or to others where the county
12 is lessee. If the commissioners know or have reason to believe
13 that the property to be sold contains oil, gas, coal, stone,
14 timber or other mineral or forest products of commercial value,
15 such knowledge or belief shall be advertised together with the
16 description of the land in at least two newspapers, in said
17 county, of general circulation, once a week for three
18 consecutive weeks. The fair market value of real property in the
19 case of a sale valued in excess of ten thousand dollars
20 (\$10,000) shall be determined by the county commissioners in
21 consultation with two of the following: the county assessor,
22 [licensed real estate brokers, or licensed] CERTIFIED BROKER-
23 APPRAISERS OR CERTIFIED real estate appraisers doing business
24 within the county. In the case of any lease of county property
25 hereunder, such property, with any and all improvements or
26 additions thereon or thereto, shall, in the hands of the lessee,
27 be subject to taxation by such county and any other political
28 subdivision therein, in the same manner as other real estate
29 located in the county. Such taxes shall be levied and assessed
30 against and paid by the lessee. This section shall not apply to

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

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

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

9 (2) A municipal authority pursuant to the act of May 2, 1945
10 (P.L.382, No.164), known as the "Municipality Authorities Act of
11 1945."

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

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

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

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

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

28 (8) The Federal Government.

29 (9) The Commonwealth.

30 (10) An authority pursuant to the act of August 23, 1967

1 (P.L.251, No.102), known as the "Economic Development Financing
2 Law."

3 (11) A redevelopment authority pursuant to the act of May
4 24, 1945 (P.L.991, No.385), known as the "Urban Redevelopment
5 Law."

6 When the real property is to be sold or leased to a qualified
7 entity under this subsection, the board of commissioners may
8 elect to accept such nominal consideration for such sale as it
9 shall deem appropriate. Real property sold pursuant to this
10 subsection to any entity under this subsection, other than a
11 city, borough, town, township, institution district, school
12 district, municipal authority pursuant to the "Municipality
13 Authorities Act of 1945," located within the county, the Federal
14 Government or the Commonwealth shall be subject to the condition
15 that when the property is not used for the purposes of the
16 entity the property shall revert to the county.

17 Section 2 4. This act shall take effect in 60 days.

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