

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 848 Session of 2007

INTRODUCED BY HALUSKA, ARGALL, CLYMER, CREIGHTON, FABRIZIO, HERSHEY, HORNAMAN, W. KELLER, KIRKLAND, MYERS, NAILOR, YOUNGBLOOD, KORTZ, GEIST, COSTA, THOMAS, PALLONE AND CALTAGIRONE, MARCH 19, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 31, 2007

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," further providing for the sale of
6 unused and unnecessary lands and buildings; PROVIDING FOR
7 STATE REIMBURSEMENT FOR MOBILE CLASSROOM FACILITIES; AND
8 MAKING EDITORIAL CHANGES.

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

11 Section 1. Section 707 of the act of March 10, 1949 (P.L.30,
12 No.14), known as the Public School Code of 1949, is amended by
13 adding a clause to read:

14 Section 707. Sale of Unused and Unnecessary Lands and
15 Buildings.--The board of school directors of any district is
16 hereby vested with the necessary power and authority to sell
17 unused and unnecessary lands and buildings, by any of the
18 following methods and subject to the following provisions:

19 * * *

1 (4.1) Notwithstanding the foregoing provision of this
2 section, no unused and unnecessary school building, nor any
3 unused and unnecessary land upon which such a building is
4 located, may be sold for less than ~~eighty (80)~~ FIFTY (50) per ←
5 centum of the fair market value of the building, or of the land
6 and building, as the case may be, PROVIDED THE PROSPECTIVE ←
7 PURCHASER SUBMITS A PLAN FOR THE BUILDING AND DEMONSTRATES THAT
8 THE PURCHASER HAS THE FINANCIAL RESOURCES TO IMPLEMENT THE PLAN,
9 except that the building, or land and building, may be donated
10 to a political subdivision of this Commonwealth or to a
11 nonprofit corporation that qualifies as an institution of purely
12 public charity under section 5 of the act of November 26, 1997
13 (P.L.508, No.55), known as the "Institutions of Purely Public
14 Charity Act." The fair market value, as used in this clause,
15 shall be determined by a State-certified real estate appraiser
16 who is certified under the act of July 10, 1990 (P.L.404,
17 No.98), known as the "Real Estate Appraisers Certification Act,"
18 or by taking the mean average of the fair market values as
19 determined by two or three such State-certified real estate
20 appraisers. For the purpose of this clause, no appraisal may be
21 utilized that was made more than one year prior to the date of
22 sale. Any unused and unnecessary school building that cannot be
23 sold for at least ~~eighty (80)~~ FIFTY (50) per centum of the fair ←
24 market value SUBJECT TO THE CONDITIONS SET FORTH IN THIS CLAUSE ←
25 and is not donated to a political subdivision or a nonprofit
26 corporation pursuant to this section shall be demolished by the
27 school district within ten years of its becoming unused. A
28 school district shall not be required to demolish any school
29 building if:

30 (i) the board of school directors has determined by

1 resolution the building is necessary for future use by the
2 school district;

3 (ii) the school building is maintained in accordance with
4 STATE AND local building or health and safety ordinances; ~~or~~ <—

5 (iii) the school building is located on school property with
6 at least one other school building that is used for the
7 instruction of students; OR <—

8 (IV) THE SCHOOL BUILDING WAS BUILT BEFORE 1940 AND THE
9 PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION DETERMINES THE
10 SCHOOL BUILDING HAS HISTORIC VALUE.

11 * * *

12 SECTION 2. SECTION 2574(A) OF THE ACT, AMENDED SEPTEMBER 29, <—
13 1959 (P.L.992, NO.407), IS AMENDED TO READ:

14 SECTION 2574. APPROVED REIMBURSABLE RENTAL FOR LEASES
15 HEREAFTER APPROVED AND APPROVED REIMBURSABLE SINKING FUND
16 CHARGES ON INDEBTEDNESS.--(A) FOR SCHOOL BUILDING PROJECTS FOR
17 WHICH THE GENERAL CONSTRUCTION CONTRACT IS AWARDED SUBSEQUENT TO
18 MARCH 22, 1956, AND FOR APPROVED SCHOOL BUILDING PROJECTS FOR
19 WHICH THE GENERAL CONSTRUCTION CONTRACT WAS AWARDED BUT FOR
20 WHICH A LEASE WAS NOT APPROVED BY THE DEPARTMENT OF [PUBLIC
21 INSTRUCTION] EDUCATION PRIOR TO MARCH 22, 1956, THE DEPARTMENT
22 OF [PUBLIC INSTRUCTION] EDUCATION SHALL CALCULATE AN APPROVED
23 REIMBURSABLE RENTAL OR APPROVED REIMBURSABLE SINKING FUND
24 CHARGES. REIMBURSABLE SINKING FUND CHARGES MAY INCLUDE CHARGES
25 FOR TEMPORARY INDEBTEDNESS WITHIN CONSTITUTIONAL LIMITATIONS, IF
26 THE INDEBTEDNESS IS INCURRED FOR APPROVED [PERMANENT]
27 IMPROVEMENTS TO THE SCHOOL PLANT INCLUDING THE COST OF ACQUIRING
28 A SUITABLE SITE FOR A SCHOOL BUILDING, THE COST OF CONSTRUCTING
29 A NEW SCHOOL BUILDING, OR THE COST OF PROVIDING NEEDED ADDITIONS
30 OR ALTERATIONS TO EXISTING BUILDINGS FOR WHICH NO BOND ISSUE IS

1 PROVIDED AND FOR WHICH AN APPROVED OBLIGATION OR OBLIGATIONS
2 OTHER THAN BONDS HAVE BEEN ISSUED AND THE OBLIGATION OR
3 OBLIGATIONS ARE PAYABLE WITHIN FIVE (5) YEARS FROM THE DATE OF
4 ISSUE OF THE OBLIGATION IN EQUAL ANNUAL INSTALLMENTS. AS USED IN
5 THIS SECTION, "BUILDING" SHALL INCLUDE A PERMANENT STRUCTURE
6 THAT CONTAINS OR IS ATTACHED TO RELOCATABLE OR MODULAR
7 CLASSROOMS. THE TERM "RELOCATABLE OR MODULAR CLASSROOM" SHALL
8 MEAN A CLASSROOM NOT OF A PERMANENT NATURE WHICH MEETS THE
9 CRITERIA AND SPECIFICATIONS OF THE DEPARTMENT OF EDUCATION.

10 APPROVED REIMBURSABLE RENTAL OR SINKING FUND CHARGE SHALL
11 CONSIST OF THAT PART OF THE ANNUAL RENTAL OR SINKING FUND CHARGE
12 ATTRIBUTABLE TO--

13 (1) THE COST OF ACQUIRING THE LAND UPON WHICH THE SCHOOL
14 BUILDINGS ARE SITUATE, THE COST OF NECESSARY ROUGH GRADING TO
15 PERMIT PROPER PLACEMENT OF THE BUILDING UPON SAID LAND AND THE
16 COST OF SEWAGE TREATMENT PLANTS, AS REQUIRED BY THE DEPARTMENT
17 OF HEALTH, TO THE EXTENT THAT SUCH COSTS ARE DEEMED REASONABLE
18 BY THE DEPARTMENT OF [PUBLIC INSTRUCTION] EDUCATION AND THE
19 INTEREST ON SUCH COSTS OF ACQUISITION, GRADING AND SEWAGE
20 TREATMENT PLANTS EARNED SUBSEQUENT TO DATE THE CONSTRUCTION
21 CONTRACT IS AWARDED, AND

22 (2) THE APPROVED BUILDING CONSTRUCTION COST AND THE INTEREST
23 ON SUCH CONSTRUCTION COST.

24 * * *

25 Section ~~2~~ 3. This act shall take effect in 60 days.

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