

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1079 Session of
1991

INTRODUCED BY ULIANA, CESSAR, PETRONE, GEIST, ACOSTA, HALUSKA,
TIGUE, TRELLO, BISHOP, BELFANTI, ANGSTADT, NAHILL, ARMSTRONG,
NYCE, SAURMAN, CARLSON, FAIRCHILD, McGEEHAN, DeLUCA, ARGALL,
MICHLOVIC, BARLEY, SCHEETZ, MAIALE, CLARK, E. Z. TAYLOR AND
KRUSZEWSKI, APRIL 9, 1991

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 9, 1991

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," including odometer readings
21 in State vehicle auction advertisements.

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

24 Section 1. Section 2405 of the act of April 9, 1929
25 (P.L.177, No.175), known as The Administrative Code of 1929,
26 amended September 26, 1951 (P.L.1496, No.370), is amended to

1 read:

2 Section 2405. Sale of Unserviceable Property.--The
3 Department of [Property and Supplies] General Services shall
4 have the power, and its duty shall be, to receive from the
5 several administrative departments, and independent
6 administrative and departmental administrative boards and
7 commissions, unserviceable personal property of this
8 Commonwealth, to issue a receipt therefor and make a complete
9 record thereof. When there is turned over to the department
10 unserviceable furniture or equipment which is broken or out-worn
11 and which is of a type which is adapted to public school use, it
12 may, in the discretion of the Secretary of [Property and
13 Supplies] General Services, be delivered to the [Superintendent
14 of Public Instruction] Secretary of Education, without charge,
15 for assignment to any school district, or, if no other
16 department, board or commission is able to make use of the same
17 presently, then, as soon as convenient, to sell the same, either
18 at public auction or private sale, in the city of Harrisburg, or
19 elsewhere, as may be deemed advisable. Except in the case of
20 perishable property, such sales shall, if the department deems
21 it feasible in view of the value of the property involved, be
22 advertised in not exceeding five newspapers of the Commonwealth,
23 once a week for three weeks, such advertisements to state the
24 time, place, and conditions of any such sale; but, if, after
25 such advertising, the department is unable to obtain a bid for
26 the property, it may be demolished or destroyed: Provided, That
27 when the unserviceable property is located outside the city of
28 Harrisburg, the Department of [Property and Supplies] General
29 Services, in its discretion, may authorize the department,
30 board, or commission having possession of the same, without

1 advertising, to obtain at least two bids in the locality where
2 the property is located. Advertisements for the auction of State
3 vehicles shall include the odometer reading reflecting the
4 actual miles the vehicle has been driven. Such bids shall be
5 referred to the Department of [Property and Supplies] General
6 Services, and, if it believes that the property will not realize
7 a higher net sale price if transported to the Capitol for sale,
8 the department may authorize the department, board, or
9 commission having possession of the same, to sell the property
10 locally to the highest bidder, to take a proper receipt
11 therefor, and to transmit the proceeds to the Department of
12 [Property and Supplies] General Services, to be by it paid into
13 the State Treasury through the Department of Revenue: And
14 provided further, That whenever any department, board, or
15 commission shall deliver to the Department of [Property and
16 Supplies] General Services any unserviceable personal property,
17 and, at the same time, requisition the said department to
18 furnish new property of a similar character to replace the
19 unserviceable property delivered as aforesaid, or request said
20 department, as purchasing agency, to purchase new property of a
21 similar character, the Department of [Property and Supplies]
22 General Services shall endeavor to exchange the unserviceable
23 property for or on account of the purchase price of the new
24 property about to be purchased, but such unserviceable property
25 shall not be delivered for or on account of the purchase price
26 of any property at a lower valuation than the price which such
27 unserviceable property would bring if sold in the open market
28 for cash, and, to the extent that advertising any such
29 unserviceable property for sale may be necessary to establish
30 its market value, the Department of [Property and Supplies]

1 General Services is authorized and directed to advertise as
2 hereinabove provided. The Department of [Property and Supplies]
3 General Services shall obtain from the person, partnership, or
4 corporation, to which any personal property is delivered in
5 exchange under the authority of this section, a receipt
6 therefor, describing such personal property and specifying the
7 value at which it was taken in exchange, and such receipt shall
8 be delivered to the Auditor General, attached to the requisition
9 for the payment of the balance of the purchase price due for the
10 new property purchased. The proceeds of sales of personal
11 property hereunder, shall be transmitted by the Department of
12 [Property and Supplies] General Services to the Department of
13 Revenue, which shall transmit it to the Treasury Department to
14 be credited to the fund out of which the property sold was
15 originally purchased.

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