

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1650 Session of
1997

INTRODUCED BY FARGO, S. H. SMITH, TRELLO, HUTCHINSON, BROWN,
LYNCH, SEYFERT, CLARK, BENNINGHOFF, BAKER, FAIRCHILD, SATHER,
YOUNGBLOOD, BUNT AND STERN, JUNE 11, 1997

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 11, 1997

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," restricting the powers of
21 the Department of Conservation and Natural Resources, the
22 Pennsylvania Game Commission and the Pennsylvania Fish and
23 Boat Commission to acquire by purchase, trade or gift any
24 additional real property within this Commonwealth; and making
25 repeals.

26 It is hereby determined and declared that:

27 (1) There is a compelling need to assess and rationalize
28 Commonwealth policies relating to the acquisition,
29 maintenance and retention of real property by the Department

1 of Conservation and Natural Resources, the Pennsylvania Game
2 Commission and the Pennsylvania Fish and Boat Commission.

3 (2) Existing legal requirements and Commonwealth
4 policies are inadequate to assure the proper balance between
5 public and private land and the interests of citizens and
6 local governments in multiple, beneficial use of land in this
7 Commonwealth.

8 (3) Current land acquisition policies of the Department
9 of Conservation and Natural Resources, the Pennsylvania Game
10 Commission and the Pennsylvania Fish and Boat Commission lack
11 coordination and place undue burdens on the scarce fiscal
12 resources of local governments.

13 (4) An inventory of all lands held by the Department of
14 Conservation and Natural Resources, the Pennsylvania Game
15 Commission and the Pennsylvania Fish and Boat Commission
16 should be conducted to assure that all holdings are necessary
17 and in the public interest and to determine if State holdings
18 deemed to be nonessential, particularly small, fragmented
19 parcels, should be sold for use by the private sector.

20 (5) The impact of land transactions between tax
21 advantaged, charitable organizations or land trusts and the
22 Department of Conservation and Natural Resources, the
23 Pennsylvania Game Commission and the Pennsylvania Fish and
24 Boat Commission on the real estate tax base of local
25 municipalities and the private sector must be assessed to
26 assure proper allocation of State revenues.

27 (6) County and municipal governments and individual
28 citizens are important stakeholders in the process of
29 formulating public policy government land purchases by the
30 Department of Conservation and Natural Resources, the

Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission.

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

Section 1. The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is amended by adding a section to read:

Section 514.1. Real Property Acquisition Limitations.--(a) No purchase or trade of land shall be made by or gift of land accepted by the Department of Conservation and Natural Resources, the Pennsylvania Game Commission or the Pennsylvania Fish and Boat Commission unless the governing body of the county in which the land is located approves such acquisition.

(b) Prior to completion of purchase or trade of land or acceptance of a gift of land, municipalities in which the land to be acquired or traded is located and residents thereof shall be given thirty (30) days' notice and opportunity to comment on such acquisition.

(c) Within three hundred sixty-five (365) days of the effective date of this section, the Department of Conservation and Natural Resources, the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission shall:

(1) Conduct an inventory and identify and locate on a map of the Commonwealth such lands.

(2) Evaluate and assess whether all such lands are essential to the functions and duties of the commission.

(3) Submit a report to the Governor and the General Assembly containing an assessment of current and projected needs relating to acquisition, maintenance and retention of real property.

Section 2. The following acts and parts of acts are repealed

1 insofar as they are inconsistent with this act:

2 30 Pa.C.S.

3 34 Pa.C.S.

4 Section 3. This act shall take effect in 90 days.