

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 455 Session of 2011

INTRODUCED BY PETRI, BAKER, CALTAGIRONE, GEIST, GODSHALL,
HENNESSEY, MARSHALL, MILLARD, MILLER, MOUL, MURT, PICKETT,
RAPP, SCAVELLO, SWANGER, VULAKOVICH AND CLYMER,
FEBRUARY 4, 2011

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 4, 2011

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," in powers and duties in
21 general, further providing for sale of real estate and grants
22 of rights-of-way or other rights over or in real estate.

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

25 Section 1. Section 514(a) of the act of April 9, 1929 (P.L.
26 177, No.175), known as The Administrative Code of 1929, amended
27 December 3, 1970 (P.L.834, No.275), is amended to read:

Section 514. Sale of Real Estate and Grants of Rights of Way or Other Rights Over or in Real Estate; Tapping Water Lines of Institutions and Sanatoria.--(a) (1) Except as otherwise in this act expressly provided, a department, board, or commission, shall not sell or exchange any real estate belonging to the Commonwealth, or grant any easement, right of way, or other interest over or in such real estate, without specific authority from the General Assembly so to do, [but a] provided that, prior to enactment by the General Assembly of any legislation authorizing the sale or exchange of real estate owned by the Commonwealth, the Department of General Services shall obtain two appraisals of the real property from an independent appraiser that include the property's fair market lease value and the property's fair market sale value, identify any known or suspected environmental conditions on the property and review information obtained from the proposed grantee through the submission of an application form prepared by the department, which contains the following information:

(i) the name and address of the proposed grantee;

(ii) if the proposed grantee is a business entity, the entity number, the names of each officer, partner or trustee of the proposed grantee, the names of each individual with an ownership interest in the business entity and the financial structure of the business entity and any affiliates, intermediaries, subsidiaries or holding companies; and

(iii) the intended use of the property by the proposed grantee.

(2) The information in the application form shall be affirmed by the proposed grantee, under penalty of perjury. The Department of General Services shall provide the Chief Clerk of

1 the Senate and the Chief Clerk of the House of Representatives
2 with a copy of the appraisals and the application and shall
3 certify to the proposed grantee that the copies have been
4 transmitted to the General Assembly.

5 (3) The deed of conveyance for the property may include a
6 condition that the property shall be used only for the purposes
7 enumerated in the application form or may exclude certain uses
8 as recommended by the Department of General Services and as
9 determined by the General Assembly.

10 (4) A department, board, or commission may, with the
11 approval of the Governor, grant a license to any public service
12 corporation to place upon, in, or over, any dry or submerged
13 land or bridge of or maintained by the Commonwealth, any public
14 service line, if such line will enable any State building or
15 State institution to receive better service, or if such line is
16 necessary for the service of the public and it is necessary or
17 reasonably required to cross the Commonwealth's land to afford
18 such service or if the running of such line over a bridge will
19 be more economical than the erection of a separate bridge for
20 the line. Every such license shall be revocable for reasonable
21 cause upon six months' written notice by the Commonwealth, and
22 also after like notice for violation of such proper terms and
23 conditions as the department, board, or commission, with the
24 approval of the Governor, shall prescribe when the license
25 issues. Unless any such line is primarily for the benefit of a
26 State building or State institution, the license shall provide
27 for the payment to the Commonwealth of compensation for the use
28 of its property in such amount as the department, board, or
29 commission granting it shall, with the approval of the Governor,
30 prescribe.

1 (5) But nothing herein contained shall authorize the
2 Commonwealth to impose and collect from any municipality or
3 township any compensation for a license granted to such
4 municipality or township for the running of a public service
5 line over any such bridge.

6 (6) This section shall be deemed the exclusive system for
7 the granting of licenses, consents and permits to place public
8 service lines upon, in or over any dry or submerged lands of the
9 Commonwealth. In the case of submerged lands such licenses shall
10 be granted only by the Department of Environmental Resources,
11 and the permit shall prescribe such terms and conditions as
12 shall be deemed necessary by the board to protect the interests
13 of the public. In the case of dry lands, licenses shall be
14 issued by the department, board or commission having the
15 management of such lands.

16 * * *

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