

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 287

Session of
1975

INTRODUCED BY MESSRS. LAUDADIO, HASKELL, PETRARCA, LETTERMAN,
VALICENTI AND M. E. MILLER, FEBRUARY 5, 1975

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JULY 22, 1975

AN ACT

1 Amending the act of July 9, 1959 (P.L.510, No.137), entitled, as
2 amended, "An act relating to the public lands of the
3 Commonwealth; defining such land; providing for the sale of
4 vacant and unimproved public lands and the price to be paid
5 therefor; providing for the conveyance of title to vacant and
6 unappropriated public land to the Department of Forests and
7 Waters for forest culture, forest reservation, or State park
8 purposes; providing for the conveyance of title to all public
9 lands for which applications have been made or warrants
10 issued and to all persons having rights by settlement and
11 improvement upon payment of the purchase price; providing for
12 the release of liens for unpaid purchase price in certain
13 cases; preventing the granting of title to lands and islands
14 in the bed of navigable rivers and streams declared by law to
15 be public highways except in certain cases; and prescribing
16 the duties of the Department of Community Affairs with
17 respect to the administration of the public lands and the
18 records thereof, including surveys of county and Commonwealth
19 boundaries and documents having to do with early titles,"
20 prohibiting a fee simple transfer of public land except by
21 statute. ~~AND MAKING EDITORIAL CHANGES.~~ <—

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

24 ~~SECTION 1. THE TITLE, CLAUSE (F) OF SECTION 2, SECTIONS 4,~~ <—
25 ~~6, 7, AND CLAUSES (1) AND (2) OF SECTION 11, ACT OF JULY 9, 1959~~
26 ~~(P.L.510, NO.137), KNOWN AS THE "PENNSYLVANIA PUBLIC LANDS ACT,"~~
27 ~~THE TITLE AMENDED JULY 18, 1968 (P.L.424, NO.196), ARE AMENDED~~ <—

1 IS AMENDED BY ADDING A SECTION TO READ:

<—

2 ~~AN ACT~~

<—

3 ~~AN ACT RELATING TO THE PUBLIC LANDS OF THE COMMONWEALTH;~~

4 ~~DEFINING SUCH LAND; PROVIDING FOR THE SALE OF VACANT AND~~

5 ~~UNIMPROVED PUBLIC LANDS AND THE PRICE TO BE PAID THEREFOR;~~

6 ~~PROVIDING FOR THE CONVEYANCE OF TITLE TO VACANT AND~~

7 ~~UNAPPROPRIATED PUBLIC LAND TO THE DEPARTMENT OF [FORESTS AND~~

8 ~~WATERS] ENVIRONMENTAL RESOURCES FOR FOREST CULTURE, FOREST~~

9 ~~RESERVATION, OR STATE PARK PURPOSES; PROVIDING FOR THE~~

10 ~~CONVEYANCE OF TITLE TO ALL PUBLIC LANDS FOR WHICH~~

11 ~~APPLICATIONS HAVE BEEN MADE OR WARRANTS ISSUED AND TO ALL~~

12 ~~PERSONS HAVING RIGHTS BY SETTLEMENT AND IMPROVEMENT UPON~~

13 ~~PAYMENT OF THE PURCHASE PRICE; PROVIDING FOR THE RELEASE OF~~

14 ~~LIENS FOR UNPAID PURCHASE PRICE IN CERTAIN CASES; PREVENTING~~

15 ~~THE GRANTING OF TITLE TO LANDS AND ISLANDS IN THE BED OF~~

16 ~~NAVIGABLE RIVERS AND STREAMS DECLARED BY LAW TO BE PUBLIC~~

17 ~~HIGHWAYS EXCEPT IN CERTAIN CASES; AND PRESCRIBING THE DUTIES~~

18 ~~OF THE DEPARTMENT OF COMMUNITY AFFAIRS WITH RESPECT TO THE~~

19 ~~ADMINISTRATION OF THE PUBLIC LANDS AND THE RECORDS THEREOF,~~

20 ~~INCLUDING SURVEYS OF COUNTY AND COMMONWEALTH BOUNDARIES AND~~

21 ~~DOCUMENTS HAVING TO DO WITH EARLY TITLES.~~

22 ~~SECTION 2. DEFINITIONS. THE FOLLOWING WORDS, TERMS AND~~

23 ~~PHRASES, WHEN USED IN THIS ACT, SHALL HAVE THE MEANING ASCRIBED~~

24 ~~TO THEM IN THIS SECTION, EXCEPT WHERE THE CONTEXT CLEARLY~~

25 ~~INDICATES A DIFFERENT MEANING.~~

26 ~~* * *~~

27 ~~(F) "DEPARTMENT OF [FORESTS AND WATERS] ENVIRONMENTAL~~

28 ~~RESOURCES" OR "SECRETARY OF [FORESTS AND WATERS] ENVIRONMENTAL~~

29 ~~RESOURCES" SHALL INCLUDE ITS OR HIS SUCCESSOR.~~

30 ~~* * *~~

1 ~~SECTION 4. APPLICATION FOR WARRANT AND PATENT. SUBJECT TO~~
2 ~~THE RIGHT OF THE DEPARTMENT OF [FORESTS AND WATERS]~~
3 ~~ENVIRONMENTAL RESOURCES TO ACQUIRE AND HAVE THE LANDS PATENTED~~
4 ~~TO THE COMMONWEALTH FOR FOREST CULTURE, FOREST RESERVATION OR~~
5 ~~STATE PARK PURPOSES, AS PROVIDED BY SECTION 6 OF THIS ACT, ANY~~
6 ~~PERSON MAY MAKE APPLICATION FOR A WARRANT TO HAVE A SURVEY MADE~~
7 ~~OF ANY TRACT OF VACANT OR UNAPPROPRIATED LAND AND ON THE RETURN~~
8 ~~THEREOF, TOGETHER WITH PROOFS OF ADVERTISEMENT, HAVE A PATENT~~
9 ~~ISSUED THEREON TO THE NAMED APPLICANT BY THE DEPARTMENT, WITH~~
10 ~~THE APPROVAL OF THE GOVERNOR, PROVIDED ANY CAVEAT ENTERED IS~~
11 ~~FINALLY DISPOSED OF IN FAVOR OF APPLICANT AND THE APPLICANT HAS~~
12 ~~COMPLIED WITH ALL APPLICABLE LAWS AND REGULATIONS.~~

13 ~~SECTION 6. PROCEDURE; DEPARTMENT OF [FORESTS AND WATERS.]~~
14 ~~ENVIRONMENTAL RESOURCES. IF THE DEPARTMENT FINDS THE LAND TO BE~~
15 ~~VACANT AND UNIMPROVED OR UNAPPROPRIATED AND UNIMPROVED, AND THE~~
16 ~~APPLICANT IS NOT THE SECRETARY OF [FORESTS AND WATERS]~~
17 ~~ENVIRONMENTAL RESOURCES, THE DEPARTMENT SHALL NOTIFY THE~~
18 ~~SECRETARY OF [FORESTS AND WATERS] ENVIRONMENTAL RESOURCES OF THE~~
19 ~~APPLICATION AND THE RESULTS OF THE INVESTIGATION, WHEREUPON IT~~
20 ~~SHALL BE THE DUTY OF THE SECRETARY OF [FORESTS AND WATERS]~~
21 ~~ENVIRONMENTAL RESOURCES TO DETERMINE WHETHER IT IS DESIRABLE AND~~
22 ~~PRACTICABLE TO ACQUIRE SUCH LAND FOR FOREST CULTURE, FOREST~~
23 ~~RESERVATION OR STATE PARK PURPOSES, AND TO MAKE APPLICATION IF~~
24 ~~THAT IS THE CASE. IF THE DEPARTMENT OF [FORESTS AND WATERS]~~
25 ~~ENVIRONMENTAL RESOURCES FAILS TO MAKE APPLICATION FOR SAID LANDS~~
26 ~~WITHIN TWO MONTHS OF THE RECEIPT OF NOTICE, THE DEPARTMENT SHALL~~
27 ~~NOTIFY THE ORIGINAL APPLICANT AND, IF THE APPLICATION IS FOR~~
28 ~~VACANT LAND, ARRANGE TO CAUSE THE LAND TO BE APPRAISED. THE~~
29 ~~APPLICANT SHALL GIVE THIRTY DAYS' NOTICE OF THE FILING OF SUCH~~
30 ~~APPLICATION BY PUBLICATION ONCE A WEEK FOR THREE SUCCESSIVE~~

1 ~~WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AREA WHERE~~
2 ~~THE LAND IS SITUATE AND FURNISH PROOF OF PUBLICATION TO THE~~
3 ~~DEPARTMENT.~~

4 ~~SECTION 7. APPLICATION BY DEPARTMENT OF [FORESTS AND WATERS]~~
5 ~~ENVIRONMENTAL RESOURCES. THE APPLICATION OF THE DEPARTMENT OF~~
6 ~~[FORESTS AND WATERS] ENVIRONMENTAL RESOURCES FOR VACANT~~
7 ~~UNIMPROVED OR UNAPPROPRIATED UNIMPROVED LAND SHALL BE SIGNED BY~~
8 ~~THE SECRETARY OF [FORESTS AND WATERS] ENVIRONMENTAL RESOURCES~~
9 ~~AND BE ACCOMPANIED BY AN ABSTRACT WITH CERTIFICATE AND SURVEY.~~
10 ~~ON APPROVAL OF THE APPLICATION, ABSTRACT, CERTIFICATE AND~~
11 ~~SURVEY, A PATENT TO THE LAND SHALL ISSUE, ON APPROVAL OF THE~~
12 ~~GOVERNOR, TO THE DEPARTMENT OF [FORESTS AND WATERS]~~
13 ~~ENVIRONMENTAL RESOURCES FOR FOREST CULTURE, FOREST RESERVATION~~
14 ~~OR STATE PARK PURPOSES, WITHOUT THE PAYMENT OF PURCHASE MONEY,~~
15 ~~INTEREST OR FEES.~~

16 ~~SECTION 11. PROHIBITIONS AND EXCEPTIONS. NO APPLICATION~~
17 ~~SHALL BE ACCEPTED AND NO WARRANTS, EASEMENTS OR OTHER OFFICE~~
18 ~~RIGHTS SHALL BE GRANTED FOR ANY LAND OR ISLAND LYING IN THE BEDS~~
19 ~~OF NAVIGABLE RIVERS OR IN BEDS OF STREAMS WHICH ARE BY LAW~~
20 ~~DECLARED TO BE PUBLIC HIGHWAYS, EXCEPT~~

21 ~~(1) WARRANTS OR OTHER OFFICE RIGHTS MAY BE GRANTED AND~~
22 ~~APPRAISALS MADE ON SUCH LANDS AS INTERVENE BETWEEN FORMER~~
23 ~~ISLANDS FOR WHICH PATENTS HAVE BEEN GRANTED, AND THE FORMER~~
24 ~~MAINLAND OF NAVIGABLE RIVERS, WHERE SUCH INTERVENING LANDS FORM~~
25 ~~AN OBSTRUCTION TO NAVIGATION, AND ARE WITHOUT THE ORDINARY LOW~~
26 ~~WATER LINES OF SUCH NAVIGABLE RIVERS, AS SHOWN BY THE~~
27 ~~CERTIFICATE OF THE UNITED STATES SECRETARY OF DEFENSE OR HIS~~
28 ~~SUCCESSOR. NO SUCH WARRANT, OR OTHER OFFICE RIGHT, SHALL BE~~
29 ~~GRANTED, UNLESS AND UNTIL WRITTEN APPROVAL OF THE [WATER AND~~
30 ~~POWER RESOURCES BOARD OF THE DEPARTMENT OF FORESTS AND WATERS]~~

1 ~~DEPARTMENT OF ENVIRONMENTAL RESOURCES HAS BEEN OBTAINED,~~
2 ~~FOLLOWING THE SUBMISSION OF FORMAL APPLICATION AND PLANS TO SAID~~
3 ~~BOARD SHOWING THE MANNER IN WHICH THE SAID LANDS WITHIN THE~~
4 ~~FLOOD WATER CHANNEL OF THE NAVIGABLE RIVER WILL BE OCCUPIED AND~~
5 ~~USED, AND THE EXTENT TO WHICH THE FLOOD CARRYING CAPACITY OF THE~~
6 ~~CHANNEL WILL BE REDUCED AND MODIFIED: PROVIDED, HOWEVER, THAT~~
7 ~~PREFERENCE IN GRANTING ANY SUCH PATENT SHALL BE GIVEN, WITH THE~~
8 ~~APPROVAL OF THE GOVERNOR, TO APPLICATIONS OF OWNERS OF THE LAND~~
9 ~~ABUTTING THE LAND INTERVENING BETWEEN THE FORMER ISLANDS TO~~
10 ~~WHICH PATENTS HAVE BEEN GRANTED AND THE FORMER MAINLAND OF~~
11 ~~NAVIGABLE RIVERS. SUCH PATENTS, WITH THE APPROVAL OF THE~~
12 ~~GOVERNOR, MAY BE ISSUED IN ACCORDANCE WITH ANY AGREEMENT ENTERED~~
13 ~~INTO BY ALL SUCH LANDOWNERS, PROVIDING FOR AN ALLOTMENT OF THE~~
14 ~~LAND INTERVENING BETWEEN THE FORMER ISLANDS.~~

15 ~~(2) EASEMENTS MAY BE GRANTED FOR SEWAGE TREATMENT PLANTS AND~~
16 ~~INTERCEPTING SEWER SYSTEMS AND FACILITIES NECESSARY AND~~
17 ~~INCIDENTAL THERETO, UNDER, ACROSS, AND IN THE BEDS OF NAVIGABLE~~
18 ~~RIVERS OR STREAMS WHICH ARE, BY LAW, DECLARED PUBLIC HIGHWAYS~~
19 ~~FOR THE PURPOSE OF DIVERTING SEWAGE AND INDUSTRIAL WASTES FROM~~
20 ~~SAID RIVERS OR STREAMS TO SEWAGE TREATMENT PLANTS, WHERE PERMITS~~
21 ~~FOR THE CONSTRUCTION THEREOF HAVE BEEN ISSUED BY, OR BY~~
22 ~~AUTHORIZATION OF, THE [SANITARY WATER BOARD, THE WATER AND POWER~~
23 ~~RESOURCES BOARD,] DEPARTMENT OF ENVIRONMENTAL RESOURCES AND THE~~
24 ~~UNITED STATES SECRETARY OF DEFENSE. THE DEPARTMENT SHALL, ON~~
25 ~~APPLICATION BY ANY MUNICIPALITY AUTHORITY OR INSTITUTION, MAKE~~
26 ~~SUCH GRANTS TO SUCH MUNICIPALITY OF SUCH EASEMENTS IN THE NAME~~
27 ~~OF THE COMMONWEALTH, WITH THE APPROVAL OF THE GOVERNOR, AND IN~~
28 ~~SUCH FORM AS SHALL BE APPROVED BY THE ATTORNEY GENERAL WITHOUT~~
29 ~~THE PAYMENT OF PURCHASE MONEY, INTEREST OR FEES. THE DEPARTMENT~~
30 ~~SHALL NOT BE REQUIRED TO SUBMIT, TO THE DEPARTMENT OF [FORESTS~~

~~AND WATERS,] ENVIRONMENTAL RESOURCES, ANY COPIES OF SUCH
APPLICATIONS AS IS REQUIRED IN APPLICATIONS FOR VACANT LANDS
GENERALLY. AS USED HEREIN, "MUNICIPALITY AUTHORITY OR
INSTITUTION" MEANS ANY COUNTY, COUNTY AUTHORITY, MUNICIPALITY
AUTHORITY, CITY, BOROUGH, TOWN, TOWNSHIP, SCHOOL DISTRICT, AND
ANY HEALING, PREVENTIVE MENTAL HEALTH, EDUCATIONAL, CORRECTIONAL
AND PENAL INSTITUTION, ALMSHOUSE AND COUNTY AND CITY HOMES,
OPERATED BY THE COMMONWEALTH OR A POLITICAL SUBDIVISION THEREOF,
THE SEWAGE FROM WHICH IS NOT ADMITTED TO A PUBLIC SEWER SYSTEM.~~

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~~Section 1. The act of July 9, 1959 (P.L.510, No.137), known
as the "Pennsylvania Public Lands Act,"~~

~~SECTION 2. THE ACT is amended by adding a section to read:~~

Section 16.1. Authorizing Statute.--Notwithstanding any
other provision of this act, an application for a Warrant and
Patent in fee simple of public lands shall not be issued until a
statute authorizing the transfer has been enacted: PROVIDED,
THAT NO AUTHORIZING STATUTE SHALL BE REQUIRED FOR THE ISSUANCE
OF A PATENT PURSUANT TO SECTION 12 OF THIS ACT OR ANY OTHER ACT
AUTHORIZING THE ISSUANCE OF PATENTS TO COMPLETE TITLE TO REAL
ESTATE IF A WARRANT HAS BEEN ISSUED OR OTHER OUTSTANDING OFFICE
RIGHT GRANTED PRIOR TO JULY 9, 1959.

~~Section 2-3~~ 2. This act shall take effect immediately and
shall apply to all applications pending on the effective date
hereof or made thereafter.