

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2726 Session of
1986

INTRODUCED BY HUTCHINSON AND SALOOM, JULY 1, 1986

REFERRED TO COMMITTEE ON TRANSPORTATION, JULY 1, 1986

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," further providing for
21 machinery, equipment, lands and buildings.

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

24 Section 1. Section 2003(e)(7) of the act of April 9, 1929
25 (P.L.177, No.175), known as The Administrative Code of 1929,
26 amended December 7, 1979 (P.L.478, No.100), is amended to read:

27 Section 2003. Machinery, Equipment, Lands and Buildings.--

1 The Department of Transportation in accord with appropriations
2 made by the General Assembly, and grants of funds from Federal,
3 State, regional, local or private agencies, shall have the
4 power, and its duty shall be:

5 * * *

6 (e) * * *

7 (7) Any other provisions of this act to the contrary
8 notwithstanding, the department may sell at public sale any land
9 acquired by the department if the secretary determines that the
10 land is not needed for present or future transportation
11 purposes:

12 (i) Improved land occupied by a tenant of the department
13 shall first be offered to the tenant at its fair market value as
14 determined by the department, except that if the tenant is the
15 person from whom the department acquired the land, it shall be
16 offered to the tenant at the acquisition price, less costs,
17 expenses and reasonable attorneys' fees incurred by the person
18 as a result of the acquisition of the land by the department. If
19 there is no tenant and the person from whom the department
20 acquired the land did not receive a replacement housing payment
21 under section 602-A of the "Eminent Domain Code," or under
22 former section 304.3 of the act of June 1, 1945 (P.L.1242,
23 No.428), known as the "State Highway Law," the land to be sold
24 shall first be offered to such person at the acquisition price,
25 less costs, expenses and reasonable attorneys' fees incurred by
26 the person as a result of the acquisition of the land by the
27 department.

28 (ii) Unimproved land acquired by gift shall be offered to
29 the donor or successor in title of the donor owning property
30 adjacent thereto for a nominal consideration.

1 [(ii)] (iii) Unimproved land acquired other than by gift
2 shall first be offered to the person from whom it was acquired
3 at its acquisition price, less costs, expenses and reasonable
4 attorneys' fees incurred by the person as a result of the
5 acquisition of the land by the department, if the person still
6 retains title to land abutting the land to be sold. If the land
7 abutting the land to be sold has been conveyed to another
8 person, the land to be sold shall first be offered to that
9 person at its fair market value as determined by the department.

10 [(iii)] (iv) Notice of the offer described in either
11 subclause (i) [or (ii)], (ii) or (iii) shall be sent by
12 certified mail, or, if notice cannot be so made, in the manner
13 required for "in rem" proceedings. The offeree shall have one
14 hundred twenty (120) days after receipt of notice to accept the
15 offer in writing.

16 [(iv)] (v) Revenue from any sale of land acquired with motor
17 license funds shall be deposited in the Motor License Fund.

18 * * *

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