

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 396 Session of 2007

INTRODUCED BY PETRI, BAKER, BIANCUCCI, BOYD, CALTAGIRONE, CLYMER, CREIGHTON, D. EVANS, FREEMAN, GEIST, GILLESPIE, GODSHALL, GRELL, HARPER, HENNESSEY, HORNAMAN, M. KELLER, MAJOR, MARSICO, MILLARD, R. MILLER, MOYER, MUSTIO, MYERS, NAILOR, M. O'BRIEN, PETRONE, RAPP, RAYMOND, REICHLEY, ROAE, ROHRER, SAMUELSON, SCAVELLO, SCHRODER, SONNEY, SWANGER, TURZAI, VEREB, WALKO, WATSON AND YOUNGBLOOD, FEBRUARY 13, 2007

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 13, 2007

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 sale
 21 of real estate and grants of rights of way or other rights
 22 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

1 (P.L.177, No.175), known as The Administrative Code of 1929,
2 amended December 3, 1970 (P.L.834, No.275), is amended to read:

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

21 (i) the name and address of the proposed grantee;
22 (ii) if the proposed grantee is a business entity, the
23 entity number, the names of each officer, partner or trustee of
24 the proposed grantee, the names of each individual with an
25 ownership interest in the business entity and the financial
26 structure of the business entity and any affiliates,
27 intermediaries, subsidiaries or holding companies; and
28 (iii) the intended use of the property by the proposed
29 grantee.

30 The information in the application form shall be affirmed by the

1 proposed grantee, under penalty of perjury. The Department of
2 General Services shall provide the Chief Clerk of the Senate and
3 the Chief Clerk of the House of Representatives with a copy of
4 the appraisals and the application and shall certify to the
5 proposed grantee that the copies have been transmitted to the
6 General Assembly.

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

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

1 commission granting it shall, with the approval of the Governor,
2 prescribe.

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

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

18 * * *

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