

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2744 Session of
2008

INTRODUCED BY HARPER, BOYD, CLYMER, HENNESSEY, HERSHEY, KILLION,
KORTZ, KOTIK, MARKOSEK, MELIO, R. MILLER, QUINN, RAPP, ROCK,
RUBLEY, SIPTROTH, STEIL, STERN, SWANGER AND WATSON,
AUGUST 21, 2008

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, AUGUST 21, 2008

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 the
21 sale of certain land by the Department of Transportation to
22 public agencies.

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

25 Section 1. Section 2003(e)(7) of the act of April 9, 1929
26 (P.L.177, No.175), known as The Administrative Code of 1929,
27 amended December 18, 1992 (P.L.1638, No.180), is amended to

1 read:

2 Section 2003. Machinery, Equipment, Lands and Buildings.--
3 The Department of Transportation in accord with appropriations
4 made by the General Assembly, and grants of funds from Federal,
5 State, regional, local or private agencies, shall have the
6 power, and its duty shall be:

7 * * *

8 (e) * * *

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

14 (i) Improved land shall first be offered at its fair market
15 value as determined by the department to other public agencies
16 which demonstrate a public purpose for the land [unless the land
17 is located in a county of the second class A not governed under
18 a home rule charter], including the preservation of open space.
19 If not transferred to a public agency [or if located in a county
20 of the second class A not governed under a home rule charter],
21 the improved land occupied by a tenant of the department shall
22 then be offered to the tenant at its fair market value as
23 determined by the department, except that if the tenant is the
24 person from whom the department acquired the land, it shall be
25 offered to the tenant at the acquisition price, less costs,
26 expenses and reasonable attorneys' fees incurred by the person
27 as a result of the acquisition of the land by the department. If
28 there is no tenant and the person from whom the department
29 acquired the land did not receive a replacement housing payment
30 under section 602-A of the "Eminent Domain Code," or under

1 former section 304.3 of the act of June 1, 1945 (P.L.1242,
2 No.428), known as the "State Highway Law," the land to be sold
3 shall first be offered to such person at the acquisition price,
4 less costs, expenses and reasonable attorneys' fees incurred by
5 the person as a result of the acquisition of the land by the
6 department. As used in this subclause and subclause (ii), the
7 term "public agency" shall include authorities and political
8 subdivisions.

9 (ii) Unimproved land shall first be offered at its fair
10 market value as determined by the department to other public
11 agencies which demonstrate a public purpose for the land [unless
12 the land is located in a county of the second class A not
13 governed under a home rule charter], including the preservation
14 of open space. If not transferred to a public agency [or if
15 located in a county of the second class A not governed under a
16 home rule charter], the unimproved land shall then be offered to
17 the person from whom it was acquired at its acquisition price,
18 less costs, expenses and reasonable attorneys' fees incurred by
19 the person as a result of the acquisition of the land by the
20 department, if the person still retains title to land abutting
21 the land to be sold. If the land abutting the land to be sold
22 has been conveyed to another person, the land to be sold shall
23 [first] then be offered to that person at its fair market value
24 as determined by the department.

25 (iii) Notice of the offer described in either subclause (i)
26 or (ii) shall be sent by certified mail, or, if notice cannot be
27 so made, in the manner required for "in rem" proceedings. The
28 offeree shall have one hundred twenty (120) days after receipt
29 of notice to accept the offer in writing.

30 (iv) Revenue from any sale of land acquired with motor

1 license funds shall be deposited in the Motor License Fund.

2 * * *

3 Section 2. This act shall take effect immediately.