

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 488 Session of 2009

INTRODUCED BY ARGALL, BAKER, BELFANTI, BEYER, BRENNAN, DALEY,
FLECK, GEIST, GEORGE, GIBBONS, GINGRICH, GOODMAN, GROVE,
HESS, M. KELLER, KILLION, KORTZ, MELIO, MURT, PICKETT, PYLE,
READSHAW, REICHLEY, ROHRER, SCAVELLO, SOLOBAY, STABACK,
THOMAS, VULAKOVICH, WATSON, WHITE AND YUDICHAK,
FEBRUARY 18, 2009

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 18, 2009

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 disposition of unserviceable personal property; and providing
22 for disposition of surplus vehicles to qualified
23 municipalities.

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

26 Section 1. Section 510 of the act of April 9, 1929 (P.L.177,

1 No.175), known as The Administrative Code of 1929, amended July
2 18, 1969 (P.L.165, No.67), is amended to read:

3 Section 510. Disposition of Unserviceable Personal Property;
4 Surplus or Unserviceable Road, Bridge Materials or Equipment.--

5 (a) Whenever any furnishings, or other personal property of
6 this Commonwealth, shall be no longer of service to the

7 Commonwealth, it shall be the duty of the department, board, or
8 commission, in whose possession such property shall be or come,

9 to put such property into the custody of the Department of

10 [Property and Supplies] General Services: Provided, however,

11 That in the case of any perishable property which is not in the

12 city of Harrisburg, the department, board, or commission, having
13 possession of the same, may sell it in such manner, and upon

14 such terms, as the head of the department, or the board, or

15 commission, may determine: And provided further, That any road

16 or bridge materials or equipment that have been declared surplus

17 or unserviceable by the Department of [Highways] Transportation

18 shall be offered for sale to counties, cities, boroughs,

19 incorporated towns and townships at the best available price by

20 the Department of [Property and Supplies] General Services.

21 Written notification of the availability of such material and

22 equipment shall be given to all counties, cities, boroughs,

23 incorporated towns and townships in the highway district in

24 which such material and equipment was last used. If more than

25 one such political subdivision requests the same material or

26 equipment, any sale shall be made to the political subdivision

27 making the highest letter bid. No sale shall be consummated

28 until after a minimum of fifteen (15) days from the date of

29 mailing the notification. All such material and equipment shall

30 be used by the procuring political subdivision upon roads,

streets and bridges. All moneys received for such material shall be deposited in the Motor License Fund.

(b) Subsection (a) shall apply to the disposition of a surplus vehicle only if the surplus vehicle is not disposed of in accordance with section 510.1.

["Unserviceable property," as used in this section,] (c) "Unserviceable property" shall not include products manufactured, grown, or raised, by any department, board, or commission, or by the inmates or patients of any State institution, or minerals, oil, gas, or other materials, taken from any property of the Commonwealth. It shall include only articles previously purchased by the Commonwealth, or any agency thereof, and paid for out of funds of or in the control of the Commonwealth.

Section 2. The act is amended by adding a section to read:

Section 510.1. Disposition of Surplus Vehicles to Qualified Municipalities.--(a) Prior to employing the procedure for disposing property under section 510(a), surplus vehicles shall be offered for disposal to qualified municipalities in accordance with the procedures and priorities and for the consideration, if any, established under this section.

(b) In the disposition of surplus vehicles to qualified municipalities, the following classes of priority shall apply:

(1) First priority shall be given to a qualified municipality that is a financially distressed municipality, as defined in section 203(f) of the act of July 10, 1987 (P.L.246, No.47), known as the "Municipalities Financial Recovery Act."

(2) Second priority shall be given to a qualified municipality that requests the surplus vehicle as part of a council of governments on which it has membership or through an

intergovernmental cooperation agreement to which it is a party,
in accordance with 53 Pa.C.S. Ch. 23 Subch. A (relating to
intergovernmental cooperation), provided that the surplus
vehicle furthers the purpose of the council of governments or
intergovernmental cooperation agreement. In order to qualify for
this priority, one of the members of a council of governments or
parties to an intergovernmental cooperation agreement must be a
qualified municipality.

(3) Third priority shall be given to a qualified
municipality that does not meet the criteria of paragraph (1) or
(2).

(c) If more than one qualified municipality in the same
priority class under subsection (b) is interested in the same
surplus vehicle, the department shall determine which qualified
municipality in the class shall be given preference, in
accordance with standards established by the department, which
may include, but need not be limited to, the following:

(1) A municipality's rate of individual poverty as
determined by the most recent Federal decennial census,
currently found in the United States Census Bureau's Table DP-3,
Profile of Selected Economic Characteristics.

(2) A municipality that has levied the maximum allowable
real estate tax for general purposes and earned income tax as
provided by applicable law.

(3) A municipality's demonstrated need for the vehicle to be
acquired.

(d) In addition to paying the cost, if any, of transporting
the surplus vehicle from its location to the municipality, a
qualified municipality that acquires a surplus vehicle in
accordance with this section shall pay the following

1 consideration:

2 (1) A qualified municipality in the first priority class
3 under subsection (b)(1) shall not be required to pay anything
4 toward the fair market value established by the department.

5 (2) A qualified municipality in the second priority class
6 under subsection (b)(2) shall pay twenty-five per centum (25%)
7 of the fair market value established by the department.

8 (3) A qualified municipality in the third priority class
9 under subsection (b)(3) shall pay fifty per centum (50%) of the
10 fair market value established by the department.

11 All moneys received for such surplus vehicles shall be deposited
12 in the Motor License Fund.

13 (e) In administering the provisions of this section, the
14 department shall have the following powers and duties:

15 (1) To notify all municipalities in this Commonwealth of the
16 existence of the program set forth in this section.

17 (2) To provide for and develop the application process for
18 municipalities to become qualified municipalities and to
19 establish that they meet the criteria of a qualified
20 municipality as defined in this section.

21 (3) To develop procedures by which qualified municipalities
22 are notified, either through printed or electronic means, of
23 available surplus vehicles.

24 (4) To develop the process by which qualified municipalities
25 may request a particular surplus vehicle, which request form
26 shall state that the qualified municipality understands and
27 accepts that the department's selection of a qualified
28 municipality for each surplus vehicle is final and unappealable.

29 (5) To establish deadlines for:

30 (i) Requests for surplus vehicles to be received by the

department.

(ii) Notification by the department to the qualified municipality of a surplus vehicle or vehicles for which it has been selected to receive or purchase.

(iii) Payment for the surplus vehicle or vehicles by the selected qualified municipality.

(iv) Conveyance of the surplus vehicle or vehicles to the selected qualified municipality.

(6) To promulgate regulations and take other action necessary to carry out the program set forth in this section.

(f) Qualified municipalities that participate in the program authorized by this section or municipalities applying to become a qualified municipality, as relevant, shall have the following duties:

(1) To submit to the department a completed application form to become a qualified municipality which form shall include, but not necessarily be limited to, an attestation clause to be signed by the presiding officer of the municipality's governing body that the submitted copy of the municipality's most recently enacted ordinance adopting the municipality's annual budget is true and accurate and that the submitted Federal decennial information regarding the municipality is as published by the United States Census Bureau for the most recent Federal decennial census.

(2) To submit to the department a timely request for the desired surplus vehicle or vehicles.

(3) To promptly pay the cost, if any, of the surplus vehicle or vehicles awarded by the department.

(4) To arrange for the transportation or pickup of the surplus vehicle or vehicles from its location to the selected

1 qualified municipality's location.

2 (5) To use any surplus vehicle that has been received
3 through the process set forth in this section for municipal
4 purposes or, if the qualified municipality disposes of the
5 vehicle, to ensure that the disposal shall only be done in
6 accordance with the applicable statute for that class of
7 municipality for disposal of personal property and, in which
8 case, the proceeds shall be returned to the Commonwealth and
9 deposited in the Motor License Fund.

10 (g) As used in this section, the following words and phrases
11 shall have the meanings given to them in this subsection:

12 "Annual operating budget." The annual financial plan of a
13 municipality that sets forth anticipated expenditures from
14 various municipal funds, including expenditures from the General
15 Fund, special revenue funds and proprietary funds for the
16 purpose of satisfying municipal operating costs, but excluding
17 outlays for nonrecurring capital improvements and appropriations
18 to and expenditures from the capital reserve fund of the
19 municipality.

20 "Department." The Department of General Services of the
21 Commonwealth.

22 "Qualified municipality." A municipality within this
23 Commonwealth that has certified to the Department of General
24 Services in accordance with this section that it has four
25 thousand (4,000) or fewer residents and an annual operating
26 budget of one million five hundred thousand dollars
27 (\$1,500,000), or less.

28 "Surplus vehicle." Any vehicle, as defined by 75 Pa.C.S.
29 (relating to vehicles), that has been declared surplus or
30 unserviceable, as defined in section 510, by the Department of

1 Transportation of the Commonwealth and which has been assigned a
2 fair market value by the Department of General Services.

3 Section 3. This act shall take effect in 60 days.