

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 employees 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 employees 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

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

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

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

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.