

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 572 Session of 2011

INTRODUCED BY BENNINGHOFF, BOYD, CALTAGIRONE, D. COSTA, CUTLER, DENLINGER, GABLER, GINGRICH, GODSHALL, HEFFLEY, HENNESSEY, HORNAMAN, JOSEPHS, MILLER, MOUL, MURPHY, MURT, D. O'BRIEN, RAPP, READSHAW, ROAE, SAYLOR, VULAKOVICH, WAGNER, WATSON, GILLEN AND LONGIETTI, FEBRUARY 9, 2011

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 9, 2011

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," in general powers and
21 duties, further providing for sale of real estate and grants
22 of rights of way or other rights 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
26 (P.L.177, No.175), known as The Administrative Code of 1929,

1 amended December 3, 1970 (P.L.834, No.275), is amended to read:

2 Section 514. Sale of Real Estate and Grants of Rights of Way
3 or Other Rights Over or in Real Estate; Tapping Water Lines of

4 Institutions and Sanatoria.--(a) (1) Except as otherwise in

5 this act expressly provided, a department, board, or commission,

6 shall not sell or exchange any real estate belonging to the

7 Commonwealth, or grant any easement, right of way, or other

8 interest over or in such real estate, without specific authority

9 from the General Assembly so to do, [but a] provided that, prior

10 to enactment by the General Assembly of any legislation

11 authorizing the sale or exchange of real estate owned by the

12 Commonwealth, the Department of General Services shall declare

13 in writing that the real estate has been deemed surplus to the

14 needs of the Commonwealth. This written declaration shall be

15 transmitted to the chairman and minority chairman of the State

16 Government Committee of the Senate, the chairman and minority

17 chairman of the State Government Committee of the House of

18 Representatives or their successor committees.

19 (2) When real estate belonging to the Commonwealth has been

20 deemed surplus and either has an estimated value of \$50,000 or

21 more or consists of ten or more acres, the Department of General

22 Services shall:

23 (i) Hold a public hearing in the political subdivision in

24 which the real estate is located for the purpose of discussion

25 and comment regarding the sale of and potential future use of

26 the real estate. The public hearing shall be held no more than

27 thirty (30) days after the real estate is deemed surplus under

28 Article XXIV-A or by written declaration by the Department of

29 General Services under paragraph (1).

30 (ii) Obtain two appraisals of the real estate, from two

1 independent appraisers, which include the real estate's fair
2 market value and identify any known or suspected environmental
3 conditions on the real estate.

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

25 (4) But nothing herein contained shall authorize the
26 Commonwealth to impose and collect from any municipality or
27 township any compensation for a license granted to such
28 municipality or township for the running of a public service
29 line over any such bridge.

30 (5) This section shall be deemed the exclusive system for

1 the granting of licenses, consents and permits to place public
2 service lines upon, in or over any dry or submerged lands of the
3 Commonwealth. In the case of submerged lands such licenses shall
4 be granted only by the Department of Environmental Resources,
5 and the permit shall prescribe such terms and conditions as
6 shall be deemed necessary by the board to protect the interests
7 of the public. In the case of dry lands, licenses shall be
8 issued by the department, board or commission having the
9 management of such lands.

10 (6) Consideration for the sale or exchange of real estate
11 owned by the Commonwealth shall be no less than the costs
12 incurred by the department, board or commission in complying
13 with this section.

14 * * *

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