

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO SENATE BILL NO. 367

Sponsor:

Printer's No. 352

- 1 Amend Bill, page 1, line 3, by inserting after "Services"
2 and the State System of Higher Education
- 3 Amend Bill, page 2, by inserting between lines 8 and 9
4 "State system land." Land owned by the State System of
5 Higher Education or controlled by the State System of Higher
6 Education pursuant to a memorandum of understanding approved by
7 the Department of General Services.
8 "System." The State System of Higher Education of the
9 Commonwealth.
- 10 Amend Bill, page 2, line 15, by inserting after "land"
11 and to convey Commonwealth rights to mineral resources
- 12 Amend Bill, page 2, line 24, by striking out all of said line
13 and inserting
- 14 (b) Advertising.--
15 (1) A proposed contract, lease or conveyance of mineral
16 Amend Bill, page 2, by inserting between lines 28 and 29
17 (2) If the proposed conveyance of the mineral resources
18 is included in the proposed conveyance of the real property
19 to which it is attached, the department shall comply with the
20 advertising requirements for the conveyance of the real
21 property.
- 22 Amend Bill, page 2, line 30, by striking out "paragraph (2)"
23 and inserting
24 paragraphs (2) and (3)
- 25 Amend Bill, page 2, line 30, by striking out "and" and
26 inserting a comma
- 27 Amend Bill, page 3, line 1, by inserting after "leases"
28 and conveyances

1 Amend Bill, page 3, by inserting between lines 8 and 9

2 (3) If a proposed conveyance of the mineral resources is
3 included in the proposed conveyance of the real property to
4 which it is attached, the award shall be made to the selected
5 buyer of the real property.

6 Amend Bill, page 3, lines 12 through 15, by striking out all
7 of said lines and inserting

8 Section 4. Development of mineral resources on State system
9 land.

10 (a) Authority.--The system has the following powers:

11 (1) To make and execute contracts or leases in the name
12 of the Commonwealth for the mining or removal of valuable
13 mineral resources which may be found in or beneath State
14 system land.

15 (2) To grant a right-of-way through State system land to
16 any individual or corporation that applies if the system
17 determines that:

18 (i) The grant will not so adversely affect the land
19 as to interfere with its usual and orderly
20 administration.

21 (ii) The interests of the Commonwealth or its
22 citizens will be promoted by the grant.

23 (b) Advertising.--A proposed contract or lease of mineral
24 resources exceeding \$1,000 in value must be advertised for three
25 weeks on the system's publicly accessible Internet website and
26 at least once a week for three weeks, in at least two newspapers
27 of general circulation published nearest the locality indicated,
28 in advance of awarding the contract or lease.

29 (c) Bidding.--

30 (1) Except as set forth in paragraph (2), contracts and
31 leases shall be awarded to the highest and best bidder.

32 (2) The requirement for competitive bidding may be
33 waived if the Commonwealth owns a fractional interest in the
34 mineral resources in or beneath State system land and the
35 system may enter into a contract to lease that fractional
36 interest, with the approval of the Governor and upon terms
37 and conditions the system deems to be in the best interest of
38 the Commonwealth.

39 (d) Bond.--A party that enters into a contract or lease
40 under this section must provide a bond satisfactory to the
41 system for the proper performance of the contract or lease.
42 Section 5. Deposit of revenue.

43 (a) Payments received by department.--Not less than 50% of
44 payments or royalties received by the department pursuant to a
45 contract or lease under this act shall be deposited into the
46 Environmental Stewardship Fund or the Keystone Recreation, Park
47 and Conservation Fund. The remaining payments received by the

1 department shall be deposited into the General Fund.

2 (b) Payments derived by system.--All payments or royalties
3 derived from any lease entered into by the system shall be
4 deposited in the Keystone Recreation, Park and Conservation
5 Fund.

6 Section 6. Condition relating to surplus property.

7 Notwithstanding the provisions of section 2405-A(6) of the
8 act of April 9, 1929 (P.L.177, No.175), known as The
9 Administrative Code of 1929, the department may convey all oil,
10 gas and mineral rights to the purchaser of surplus Commonwealth
11 real property along with the conveyance of the surplus real
12 property when done so in accordance with this act.

13 Amend Bill, page 3, line 16, by striking out "10" and
14 inserting

15 7