

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 164

Session of
1981

INTRODUCED BY WASS, LIVENGOOD, L. E. SMITH AND D. R. WRIGHT,
JANUARY 26, 1981

SENATOR TILGHMAN, APPROPRIATIONS, IN SENATE, AS AMENDED,
MAY 4, 1981

AN ACT

1 ~~Amending the act of July 20, 1968 (P.L.652, No.220), entitled~~ <—
2 ~~"An act amending the act of March 31, 1949 (P.L.372, No.34),~~
3 ~~entitled 'An act to promote the welfare of the people of the~~
4 ~~Commonwealth; creating The General State Authority as a body~~
5 ~~corporate and politic with power to construct, improve,~~
6 ~~equip, furnish, and operate projects, and to lease the same,~~
7 ~~and to fix fees, rentals, and charges for the use thereof;~~
8 ~~authorizing and regulating the issuance of bonds for said~~
9 ~~Authority, and providing for the payment of such bonds, and~~
10 ~~the rights of the holders thereof; and to enter into~~
11 ~~agreements with the Government of the United States or any~~
12 ~~Federal agency; and authorizing the Department of Property~~
13 ~~and Supplies to grant, assign, convey, or lease to the~~
14 ~~Authority lands of the Commonwealth and interests therein,~~
15 ~~and to acquire lands therefor; granting the right of eminent~~
16 ~~domain; empowering The General State Authority to sell and~~
17 ~~convey projects and property to the Commonwealth; and~~
18 ~~providing that no debt of the Commonwealth shall be incurred~~
19 ~~in the exercise of any of the powers granted by this act,'~~
20 ~~empowering the Authority to construct and acquire projects~~
21 ~~for certain State related universities; providing for the~~
22 ~~disposition of unused borrowing capacity which may become~~
23 ~~available through the operation of the Higher Education~~
24 ~~Facilities Act of 1963 or other Federal grants; harmonizing~~
25 ~~the language of certain existing amendments; allocating~~
26 ~~unused funds; providing for the interpretation of certain~~
27 ~~amendments to the act; further defining the powers and~~
28 ~~procedures of the board; regulating the leasing of projects~~
29 ~~constructed for State aided institutions; amending the~~
30 ~~eminent domain powers and procedures of the Authority;~~
31 ~~specifically itemizing projects for capital budget purposes,"~~

1 ~~authorizing the acquisition and demolition of properties for~~
2 ~~the Yellow Creek and Two Lick Creek Flood Protection Project.~~
3 AMENDING THE ACT OF OCTOBER 5, 1972 (SP.SESS., NO.1, P.L.2019, <—
4 NO.4), ENTITLED, AS AMENDED, "AN ACT IMPLEMENTING THE
5 PROVISIONS OF CLAUSE (1) OF SUBSECTION (A) OF SECTION 7 OF
6 ARTICLE VIII OF THE CONSTITUTION OF THE COMMONWEALTH OF
7 PENNSYLVANIA AUTHORIZING THE INCURRING OF DEBT FOR THE
8 REHABILITATION OF AREAS AFFECTED BY THE GREAT STORM AND
9 FLOODS OF SEPTEMBER, 1971 AND JUNE, 1972, AND THE GREAT FLOOD
10 OF JULY, 1977 THROUGH URBAN REDEVELOPMENT ASSISTANCE;
11 IMPOSING DUTIES UPON THE GOVERNOR, THE AUDITOR GENERAL AND
12 STATE TREASURER; PRESCRIBING THE PROCEDURES FOR THE ISSUANCE,
13 SALE AND PAYMENT OF GENERAL OBLIGATIONS BONDS, THE FUNDING OF
14 DEBT AND REFUNDING OF BONDS; EXEMPTING SAID BONDS FROM STATE
15 AND LOCAL TAXATION; CREATING CERTAIN FUNDS; AND MAKING AN
16 APPROPRIATION," PROVIDING FOR THE BORROWING, DISPOSITION AND
17 APPROPRIATION OF AN ADDITIONAL SUM.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 ~~Section 1. Subclause (10) of clause XXIX of section 7, act <—~~
21 ~~of July 20, 1968 (P.L.652, No.220), entitled "An act amending~~
22 ~~the act of March 31, 1949 (P.L.372, No.34), entitled "An act to~~
23 ~~promote the welfare of the people of the Commonwealth; creating~~
24 ~~The General State Authority as a body corporate and politic with~~
25 ~~power to construct, improve, equip, furnish, and operate~~
26 ~~projects, and to lease the same, and to fix fees, rentals, and~~
27 ~~charges for the use thereof; authorizing and regulating the~~
28 ~~issuance of bonds for said Authority, and providing for the~~
29 ~~payment of such bonds, and the rights of the holders thereof;~~
30 ~~and to enter into agreements with the Government of the United~~
31 ~~States or any Federal agency; and authorizing the Department of~~
32 ~~Property and Supplies to grant, assign, convey, or lease to the~~
33 ~~Authority lands of the Commonwealth and interests therein, and~~
34 ~~to acquire lands therefor; granting the right of eminent domain;~~
35 ~~empowering The General State Authority to sell and convey~~
36 ~~projects and property to the Commonwealth; and providing that no~~
37 ~~debt of the Commonwealth shall be incurred in the exercise of~~
38 ~~any of the powers granted by this act, ' empowering the Authority~~

1 ~~to construct and acquire projects for certain State related~~
2 ~~universities; providing for the disposition of unused borrowing~~
3 ~~capacity which may become available through the operation of the~~
4 ~~Higher Education Facilities Act of 1963 or other Federal grants;~~
5 ~~harmonizing the language of certain existing amendments;~~
6 ~~allocating unused funds; providing for the interpretation of~~
7 ~~certain amendments to the act; further defining the powers and~~
8 ~~procedures of the board; regulating the leasing of projects~~
9 ~~constructed for State aided institutions; amending the eminent~~
10 ~~domain powers and procedures of the Authority; specifically~~
11 ~~itemizing projects for capital budget purposes," added June 1,~~
12 ~~1978 (P.L.453, No.57), is amended to read:~~

13 Section 7. ~~For capital budget purposes the following public~~
14 ~~improvement projects to be financed by the issuing of debt and~~
15 ~~to be constructed by The General State Authority, its successors~~
16 ~~or assigns, and which are in addition to those projects itemized~~
17 ~~in the "Capital Budget Act for the 1968 1969 Fiscal Year" are~~
18 ~~hereby specifically itemized, together with their respective~~
19 ~~estimated financial cost, as follows:~~

20 * * *

21 XXIX. ~~Department of Environmental Resources..... 22,256,000~~

22 ~~Additional Flood Control Projects arising~~
23 ~~from the Great Flood of July 1977 are as~~
24 ~~follows:~~

25 PROJECT LOCATION

26 * * *

27 (10) ~~Yellow Creek and Two Lick Creek Flood~~
28 ~~Protection..... [3,250,000]~~
29 ~~Borough of Homer City and Center 2,708,000~~
30 ~~Township, Indiana County~~

1 ~~[(Base Construction Cost \$2,500,000)]~~
2 ~~(Base Project Cost, including acquisi-~~
3 ~~tion of properties and demolition \$2,708,000)~~

4 * * *

5 ~~Section 2. This act shall take effect immediately.~~

6 SECTION 1. SECTION 1, ACT OF OCTOBER 5, 1972 (SP.SESS., <—
7 NO.1, P.L.2019, NO.4), ENTITLED, AS AMENDED, "AN ACT
8 IMPLEMENTING THE PROVISIONS OF CLAUSE (1) OF SUBSECTION (A) OF
9 SECTION 7 OF ARTICLE VIII OF THE CONSTITUTION OF THE
10 COMMONWEALTH OF PENNSYLVANIA AUTHORIZING THE INCURRING OF DEBT
11 FOR THE REHABILITATION OF AREAS AFFECTED BY THE GREAT STORM AND
12 FLOODS OF SEPTEMBER, 1971 AND JUNE, 1972, AND THE GREAT FLOOD OF
13 JULY, 1977 THROUGH URBAN REDEVELOPMENT ASSISTANCE; IMPOSING
14 DUTIES UPON THE GOVERNOR, THE AUDITOR GENERAL AND STATE
15 TREASURER; PRESCRIBING THE PROCEDURES FOR THE ISSUANCE, SALE AND
16 PAYMENT OF GENERAL OBLIGATIONS BONDS, THE FUNDING OF DEBT AND
17 REFUNDING OF BONDS; EXEMPTING SAID BONDS FROM STATE AND LOCAL
18 TAXATION; CREATING CERTAIN FUNDS; AND MAKING AN APPROPRIATION,"
19 AMENDED OCTOBER 4, 1978 (P.L.969, NO.191), IS AMENDED TO READ:
20 SECTION 1. BORROWING OF MONEY AUTHORIZED.--PURSUANT TO THE
21 PROVISIONS OF CLAUSE (1) OF SUBSECTION (A) OF SECTION 7 OF
22 ARTICLE VIII OF THE CONSTITUTION OF THE COMMONWEALTH OF
23 PENNSYLVANIA, THE COMMONWEALTH IS HEREBY AUTHORIZED AND DIRECTED
24 TO BORROW, FROM TIME TO TIME, MONEY NOT EXCEEDING IN THE
25 AGGREGATE (I) THE SUM OF ONE HUNDRED FORTY MILLION DOLLARS
26 (\$140,000,000), AS MAY BE FOUND NECESSARY TO CARRY OUT THE
27 REHABILITATION OF AREAS AFFECTED BY THE GREAT STORM AND FLOODS
28 OF SEPTEMBER, 1971, JUNE, 1972 AND JULY, 1977 THROUGH URBAN
29 REDEVELOPMENT ASSISTANCE, AND (II) THE SUM OF [FIFTY MILLION
30 DOLLARS (\$50,000,000)] FIFTY-TWO MILLION SEVEN HUNDRED EIGHT

1 THOUSAND DOLLARS (\$52,708,000) AS MAY BE FOUND NECESSARY TO
2 CARRY OUT THE REHABILITATION OF AREAS AFFECTED BY THE GREAT
3 FLOOD OF JULY, 1977 THROUGH URBAN REDEVELOPMENT ASSISTANCE.

4 SECTION 2. CLAUSE (1) OF SUBSECTION (D) OF SECTION 3 OF THE
5 ACT, AMENDED JUNE 27, 1980 (P.L.277, NO.79), IS AMENDED TO READ:

6 SECTION 3. DISPOSITION AND USE OF PROCEEDS.--* * *

7 (D) SUBJECT TO THE TOTAL LIMIT OF [FIFTY MILLION DOLLARS
8 (\$50,000,000)] FIFTY-TWO MILLION SEVEN HUNDRED EIGHT THOUSAND
9 DOLLARS (\$52,708,000), THE FUNDS AUTHORIZED TO BE BORROWED BY
10 SUBCLAUSE (II) OF SECTION 1 SHALL BE ALLOCATED AS FOLLOWS:

11 (1) NO LESS THAN [THIRTY MILLION DOLLARS (\$30,000,000)]
12 THIRTY-TWO MILLION SEVEN HUNDRED EIGHT THOUSAND DOLLARS
13 (\$32,708,000) OF THE FUNDS AUTHORIZED TO BE BORROWED UNDER THIS
14 ACT SHALL BE USED FOR HOUSING DEMOLITION, CONSTRUCTION,
15 REHABILITATION, RELOCATION AND SERVICES, AND OTHER PURPOSES
16 NECESSARY TO PROVIDE THE INFRASTRUCTURE RELATED THERETO. THE
17 PHRASE "OTHER PURPOSES NECESSARY TO PROVIDE THE INFRASTRUCTURE
18 RELATED THERETO" SHALL BE DEFINED BY THE DEPARTMENT OF COMMUNITY
19 AFFAIRS. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR ANY
20 OTHER ACT, DISTRIBUTION OF FUNDS AVAILABLE FOR REHABILITATION OF
21 ALL REAL PROPERTY DAMAGED BY THE GREAT STORM AND FLOOD OF JULY,
22 1977, SHALL BE MADE TO PERSONS OWNING SUCH REAL PROPERTY IN SUCH
23 A MANNER THAT THE INCOME OF SUCH PERSONS IS NOT USED IN ANY WAY
24 TO DETERMINE ELIGIBILITY FOR FUNDS UNDER THIS ACT.

25 * * *

26 SECTION 3. SECTION 12 OF THE ACT, AMENDED OCTOBER 4, 1978
27 (P.L.969, NO.191), IS AMENDED TO READ:

28 SECTION 12. APPROPRIATION OF MONEYS.--THE NET PROCEEDS OF
29 THE SALE OF THE ONE HUNDRED FORTY MILLION DOLLARS (\$140,000,000)
30 OF OBLIGATIONS HEREIN AUTHORIZED ARE HEREBY APPROPRIATED FROM

1 THE DISASTER RELIEF FUND TO THE DEPARTMENT OF COMMUNITY AFFAIRS
2 TO DEFRAY THE COSTS OF REHABILITATION OF AREAS AFFECTED BY THE
3 SEPTEMBER, 1971 AND JUNE, 1972 AND JULY, 1977 DISASTERS THROUGH
4 URBAN REDEVELOPMENT ASSISTANCE. THE NET PROCEEDS FROM THE SALE
5 OF THE [FIFTY MILLION DOLLARS (\$50,000,000)] FIFTY-TWO MILLION
6 SEVEN HUNDRED EIGHT THOUSAND DOLLARS (\$52,708,000) OF
7 OBLIGATIONS HEREIN AUTHORIZED ARE HEREBY APPROPRIATED FROM THE
8 DISASTER RELIEF FUND TO THE DEPARTMENT OF COMMUNITY AFFAIRS TO
9 DEFRAY THE COSTS OF REHABILITATION OF AREAS AFFECTED BY THE
10 JULY, 1977 DISASTER THROUGH URBAN REDEVELOPMENT ASSISTANCE.
11 AFTER RESERVING OR PAYING THE EXPENSES OF THE SALE OF THE
12 OBLIGATION, THE STATE TREASURER SHALL PAY THE MONEYS AS REQUIRED
13 AND CERTIFIED BY THE GOVERNOR.

14 SECTION 4. THE ADDITIONAL \$2,708,000 AUTHORIZED IN THIS ACT
15 ARE PROVIDED FOR THE COMPLETION OF ACQUISITION AND SITE
16 CLEARANCE OF THE FLOODWAY AREA IN THE BOROUGH OF HOMER CITY AND
17 CENTER TOWNSHIP, INDIANA COUNTY.

18 SECTION 5. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.