

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1071

Session of
1985

INTRODUCED BY GODSHALL, FRYER, TRELLO, STABACK, PETRONE, SEMMEL,
PRATT, MICOZZIE, CIVERA, DISTLER, PERZEL AND HERSHEY,
APRIL 29, 1985

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 29, 1985

AN ACT

1 Amending the act of August 23, 1967 (P.L.251, No.102), entitled,
2 as amended, "An act providing for the incorporation as public
3 instrumentalities of the Commonwealth and as bodies corporate
4 and politic of industrial and commercial development
5 authorities for municipalities, counties and townships;
6 prescribing the rights, powers and duties of such authorities
7 hereafter incorporated; authorizing such authorities to
8 acquire, by gift or purchase, to construct, improve and
9 maintain industrial, specialized, or commercial development
10 projects including projects for the elimination or prevention
11 of blight and the control of air and water pollution, and to
12 borrow money and issue bonds therefor; providing for the
13 payment of such bonds and giving security therefor, and
14 prescribing the rights of the holders of such bonds;
15 authorizing the lease or sale of industrial, specialized, or
16 commercial development projects to industrial, specialized,
17 or commercial enterprises; authorizing any county,
18 municipality or township to transfer or convey to such
19 authorities, any facilities or property available for
20 industrial, specialized, or commercial development projects;
21 exempting the property and securities of such authorities
22 from taxation; authorizing such authorities to enter into
23 contracts with and to accept grants from the Federal
24 Government or any agency thereof; and providing for approval
25 by the Secretary of Commerce of the proceedings relating to
26 industrial, specialized, or commercial development projects
27 of such authorities," imposing current zoning restrictions on
28 approved projects.

29 The General Assembly of the Commonwealth of Pennsylvania
30 hereby enacts as follows:

1 Section 1. Section 6(d) of the act of August 23, 1967
2 (P.L.251, No.102), known as the Industrial and Commercial
3 Development Authority Law, amended December 19, 1975 (P.L.576,
4 No.165), is amended to read:

5 Section 6. Purposes and Powers; General.--* * *

6 (d) An authority created hereunder shall have no power to:

7 (1) Construct or finance or aid in the construction or
8 financing of an industrial, specialized, or commercial
9 development project which shall cause the removal of a
10 manufacturing, industrial, specialized, commercial
11 enterprise, plant, facility or establishment from one area of
12 the Commonwealth of Pennsylvania to another area of the
13 Commonwealth.

14 (2) Acquire existing industrial, specialized, or
15 commercial development projects under circumstances which
16 would be primarily for the purpose of directly or indirectly
17 refinancing the obligations of or providing working capital
18 or other funds for any industrial, specialized, or commercial
19 enterprise or any parent, subsidiary, affiliate or
20 shareholder thereof, which enterprise, or any parent,
21 subsidiary, affiliate or shareholder thereof, would
22 thereafter continue to occupy or utilize said project;
23 however, this limitation shall not apply to refinancing in
24 order to improve an existing project now financed by the
25 authority or by any authority or nonprofit corporation
26 heretofore recognized as agency or an instrumentality of the
27 Commonwealth or any municipality thereof.

28 (3) Enter into any agreement to finance the acquisition
29 or construction of an industrial development project in
30 excess of the cost of the project.

1 (4) Finance machinery or equipment except in conjunction
2 with the construction of a new, or the improvement of an
3 existing industrial, specialized, or commercial development
4 project, but such prohibition shall not relate to the
5 financing of pollution control facilities; or

6 (5) Engage in business, trade or commerce for a profit
7 as lessee of a project, or otherwise.

8 (6) Approve an industrial, specialized or commercial
9 project that does not meet the current zoning requirements of
10 the land upon which the project will be located.

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