

AMENDMENTS TO HOUSE BILL NO. 1860

Sponsor: REPRESENTATIVE DUSH

Printer's No. 2563

1 Amend Bill, page 1, line 23, by inserting after "definitions"
2 , for formation of authorities, for dissolution of city
3 authorities and for eminent domain; and making editorial
4 changes

5 Amend Bill, page 1, lines 26 and 27; page 2, line 1; by
6 striking out all of said lines on said pages and inserting

7 Section 1. Section 3(c), (e) and (h) of the act of May 24,
8 1945 (P.L.991, No.385), known as the Urban Redevelopment Law,
9 are amended to read:

10 Amend Bill, page 2, line 6, by inserting a bracket before
11 "(c)"

12 Amend Bill, page 2, line 7, by striking out the bracket
13 before "with"

14 Amend Bill, page 2, line 12, by striking out the bracket
15 after "act"

16 Amend Bill, page 2, line 13, by striking out the bracket
17 before "qualified"

18 Amend Bill, page 2, line 13, by striking out the bracket
19 after "qualified"

20 Amend Bill, page 2, line 13, by inserting a bracket after
21 "created."

22 Amend Bill, page 2, by inserting between lines 14 and 15

23 (e) "Field of Operation."--The area within the territorial
24 boundaries of the [city] municipality or county for which a

1 particular Authority is created: Provided, however, That the
2 field of operation of any county authority shall not include a
3 [city] municipality having a redevelopment authority but may
4 include, with the consent of any such [city] municipality,
5 parcels of land within the [city] municipality's limits which
6 are necessary to the corporate purposes of the county authority
7 or necessary to its successful redevelopment of a redevelopment
8 area: And, provided further, That the field of operation of any
9 authority may include parcels of land outside the territorial
10 boundaries of the [city] municipality or county, as the case may
11 be, which are necessary to the corporate purposes of the
12 authority or necessary to the successful redevelopment of a
13 redevelopment area, with the consent of the governing body of
14 the [city or] county [and the] or municipality in which the said
15 parcels are situated, as the case may be: Provided, however,
16 That the field of operation of any Authority shall not include
17 parcels of land outside the territorial boundaries of a county
18 unless acquisition thereof has been approved by a majority of
19 the electors voting in a primary or general election in the
20 municipality in which said parcels are situated.

21 * * *

22 (h) "Municipality."--Any county, city, borough, incorporated
23 town or township.

24 * * *

25 Section 2. Sections 4(a), (b) and (c), 4.1, 4.2, 5, 8, 12
26 and 19 of the act are amended to read:

27 Section 4. Formation of Authorities.--

28 (a) There are hereby created separate and distinct bodies
29 corporate and politic, one for each [city] municipality and one
30 for each county of the Commonwealth, as herein defined. Each
31 such body shall be known as the Redevelopment Authority of the
32 [city] municipality or the county, as the case may be, but shall
33 in no way be deemed to be an instrumentality of such [city]
34 municipality or county, or engaged in the performance of a
35 municipal function. Each such Authority shall transact no
36 business or otherwise become operative until and unless a
37 finding is made as hereinafter provided in this section.

38 (b) At any time after passage of this act the governing body
39 of any [city] municipality or county may find and declare by
40 proper ordinance or resolution that there is need for an
41 Authority to function within the territorial limits of said
42 [city] municipality or county, as the case may be.

43 (c) The governing body shall cause a certified copy of such
44 ordinance or resolution to be filed with the Department of State
45 and a duplicate thereof with the Department of Community
46 [Affairs] and Economic Development; upon receipt of the said
47 certificate the Secretary of the Commonwealth shall issue a
48 certificate of incorporation.

49 * * *

50 Section 4.1. Dissolution of [City] Authorities.--If [a city]
51 an authority of a municipality has never issued any bonds, or

1 incurred any other debts or contractual obligations, or has paid
2 and has been released from and discharged of all debts and
3 bonded, contractual and other obligations, the governing body of
4 the [city] municipality may, after three years from the date of
5 the certificate described in subsection (c) of section 4, or
6 earlier if a proper resolution of the authority requests the
7 action hereinafter described, find and declare by proper
8 resolution that its functions can be more properly carried out
9 by a county authority and that there is no longer any need for
10 the authority created for [such city] the municipality to
11 function. In such case the governing body shall issue a
12 certificate reciting the adoption of such resolution, and shall
13 cause such certificate to be filed with the Department of State
14 and two duplicates thereof with the Department of Community
15 [Affairs] and Economic Development. Upon such filing the [city]
16 authority shall cease to function, and title to any assets held
17 by the authority at that time shall pass to the [city]
18 municipality. A copy of the certificate described in this
19 section shall be admissible in any suit, action or proceeding
20 and shall be conclusive proof that the authority has ceased to
21 be in existence.

22 Section 4.2. Dissolution of County Authorities.--If a county
23 authority has never issued any bonds, or incurred any other
24 debts or contractual obligations, or has paid and has been
25 released from and discharged of all debts and bonded,
26 contractual and other obligations, the governing body of the
27 county may, after three years from the date of the certificate
28 described in subsection (c) of section 4, or earlier if a proper
29 resolution of the authority requests the action hereinafter
30 described, find and declare by proper resolution that there is
31 no longer any need for the authority created for such county to
32 function. In such case the governing body shall issue a
33 certificate reciting the adoption of such resolution, and shall
34 cause such certificate to be filed with the Department of State
35 and two duplicates thereof with the Department of Community
36 [Affairs] and Economic Development. Upon such filing the county
37 authority shall cease to function, and title to any assets held
38 by the authority at that time shall pass to the county. A copy
39 of the certificate described in this section shall be admissible
40 in any suit, action or proceeding and shall be conclusive proof
41 that the authority has ceased to be in existence.

42 Section 5. Appointment and Qualifications of Members of
43 Authority.--Upon certification of a resolution declaring the
44 need for an Authority to operate in a [city] municipality or
45 county, [the mayor or board of county commissioners thereof,
46 respectively,] the governing body shall appoint, as members of
47 the Authority, five citizens who, except in the case of cities
48 of the third class, shall be residents of the [city]
49 municipality or county in which the Authority is to operate. In
50 the case of a city of the third class, a majority of the members
51 of the Authority shall be residents of the city, and the

1 remainder may be nonresidents who own and operate businesses in
2 the city in which the Authority is to operate.

3 Section 8. Interest of Members or Employees.--No member or
4 employe of an Authority shall acquire any interest, direct or
5 indirect, in any redevelopment project or in any property
6 included or planned to be included in any redevelopment area, or
7 in any area which he may have reason to believe may be certified
8 to be a redevelopment area, nor shall he have any interest,
9 direct or indirect, in any contract or proposed contract for
10 materials or services to be furnished or used by an Authority,
11 or in any contract with a redeveloper or prospective redeveloper
12 relating, directly or indirectly, to any redevelopment project.
13 The acquisition of any such interest in a redevelopment project
14 or in any such property or contract shall constitute misconduct
15 in office. If any member or employe of an Authority shall
16 already own or control any interest, direct or indirect, in any
17 property later included or planned to be included in any
18 redevelopment project under the jurisdiction of the Authority,
19 or has any such interest in any contract for material or
20 services to be furnished or used in connection with any
21 redevelopment project, he shall disclose the same in writing to
22 the Authority and to the Department of Community [Affairs] and
23 Economic Development and the local governing body, and such
24 disclosure shall be entered in writing upon the minute books of
25 the Authority. Failure to make such disclosure shall constitute
26 misconduct in office.

27 Section 12. Eminent Domain.--Title to any property acquired
28 by an Authority through eminent domain shall be an absolute or
29 fee simple title, unless a lesser title shall be designated in
30 the eminent domain proceedings. The Authority may exercise the
31 right of eminent domain in the manner provided by law for the
32 exercise of such right by [cities] municipalities or counties,
33 as the case may be, of the same class as the [city] municipality
34 or county in which such Authority is organized to operate. If
35 any of the real property in the redevelopment area which is to
36 be acquired has, prior to such acquisition, been devoted to
37 another public use, it may, nevertheless, be acquired by
38 condemnation: Provided, That no real property belonging to a
39 [city] municipality, county or to the Commonwealth may be
40 acquired without its consent. No real property belonging to a
41 public utility corporation may be acquired without the approval
42 of the Public Utility Commission.

43 Section 19. Records and Reports.--

44 (a) The books and records of an Authority shall at all times
45 be open and subject to inspection by the Department of Community
46 [Affairs] and Economic Development;

47 (b) An Authority may file with the Department of Community
48 [Affairs] and Economic Development such information and reports
49 as it may from time to time deem desirable, and shall file with
50 them;

51 (1) A copy of all by-laws and rules and regulations and

1 amendments thereto, adopted by it, from time to time.

2 (2) Copies of all redevelopment proposals and redevelopment
3 contracts, as well as of any changes, which may be made therein.

4 (3) At least once each year a report of its activities for
5 the preceding year, and such other reports as said department
6 may require. Copies of such reports shall be filed with the
7 [mayor and] governing body of the [city] municipality or with
8 the county board of commissioners, as the case may be.

9 Amend Bill, page 2, line 15, by striking out "2" and

10 inserting

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