

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1114 Session of
1991

INTRODUCED BY MICHLOVIC, LEVDANSKY, TRELLO AND McNALLY,
APRIL 10, 1991

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 10, 1991

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," further providing for the powers of an
28 authority.

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 July 10, 1987 (P.L.273,
4 No.48), is amended to read:

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

6 (d) An authority created under section 4 of this act shall
7 have no power to:

8 (1) Construct or finance or aid in the construction or
9 financing, refinancing or refunding of an industrial,
10 specialized, or commercial development project which is located
11 beyond the territorial boundaries of its incorporating
12 municipality or which shall cause the removal of a
13 manufacturing, industrial, specialized, commercial enterprise,
14 plant, facility or establishment from one area of the
15 Commonwealth of Pennsylvania to another area of the
16 Commonwealth.

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

30 (3) Enter into any agreement to finance the acquisition or

1 construction of an industrial development project in excess of
2 the cost of the project.

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

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

10 Section 2. This act shall take effect immediately.