

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.