

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1464 Session of
2003

INTRODUCED BY GILLESPIE, BUNT, CREIGHTON, CURRY, GEORGE,
GRUCELA, HARPER, HORSEY, LEVDANSKY, LEWIS, MACKERETH,
R. MILLER, NICKOL, REICHLEY, ROSS, RUBLEY, SAYLOR, B. SMITH,
STERN, E. Z. TAYLOR, THOMAS, TURZAI, WEBER AND YOUNGBLOOD,
MAY 22, 2003

AS REPORTED FROM COMMITTEE ON FINANCE, HOUSE OF REPRESENTATIVES,
AS AMENDED, JULY 8, 2003

AN ACT

1 Amending the act of July 11, 1990 (P.L.465, No.113), entitled
2 "An act providing for the creation of tax increment
3 districts; providing for additional powers and duties to be
4 exercised by redevelopment authorities and by industrial and
5 commercial development authorities; authorizing the creation
6 and approval of project plans for tax increment financing;
7 providing for the establishment of a tax increment base;
8 allocating the payment of positive tax increments; providing
9 for the financing of project costs; and providing for the
10 issuance of tax increment bonds and notes," further providing
11 for REDEVELOPMENT AREA AND FOR reporting requirements; and <—
12 making an editorial change.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 ~~Section 1. Section 9.1 of the act of July 11, 1990 (P.L.465, <—~~
16 ~~No.113), known as the Tax Increment Financing Act, added~~
17 ~~December 16, 1992 (P.L.1240, No.164), is amended to read:~~

18 SECTION 1. THE DEFINITION OF "REDEVELOPMENT AREA" IN SECTION <—
19 3 OF THE ACT OF JULY 11, 1990 (P.L.465, NO.113), KNOWN AS THE
20 TAX INCREMENT FINANCING ACT, IS AMENDED AND THE SECTION IS
21 AMENDED BY ADDING DEFINITIONS TO READ:

SECTION 3. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

* * *

"BLIGHTED PROPERTY." RESIDENTIAL, INDUSTRIAL OR COMMERCIAL REAL PROPERTY THAT IS ABANDONED, UNSAFE, VACANT, UNDERVALUED, UNDERUTILIZED, OVERGROWN, DEFECTIVE, CONDEMNED OR DEMOLISHED. THE TERM SHALL INCLUDE REAL PROPERTY ADJACENT TO BLIGHTED PROPERTY IF THAT ADJACENT REAL PROPERTY IS SIGNIFICANTLY UNDERVALUED AND UNDERUTILIZED DUE TO THE PROXIMITY OF THE BLIGHTED PROPERTY. THE TERM SHALL NOT INCLUDE PRIME AGRICULTURAL LAND, WETLANDS AND WILD TROUT STREAMS.

* * *

"PRIME AGRICULTURAL LAND." REAL PROPERTY USED FOR AGRICULTURAL PURPOSES THAT CONTAINS SOILS OF THE FIRST, SECOND OR THIRD CLASS AS DEFINED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE'S COUNTY SOIL SURVEY.

* * *

"REDEVELOPMENT AREA." ANY AREA, WHETHER IMPROVED OR UNIMPROVED, WHICH A PLANNING COMMISSION MAY FIND TO [BE BLIGHTED BECAUSE OF THE EXISTENCE OF THE CONDITIONS ENUMERATED IN SECTION 2 OF THE ACT OF MAY 24, 1945 (P.L.991, NO.385), KNOWN AS THE URBAN REDEVELOPMENT LAW] CONTAIN BLIGHTED PROPERTY, SO AS TO REQUIRE REDEVELOPMENT UNDER THE PROVISIONS OF THE ACT OF MAY 24, 1945 (P.L.991, NO.385), KNOWN AS THE URBAN REDEVELOPMENT LAW OR THIS ACT.

* * *

"WETLAND." AN AREA THAT IS INUNDATED OR SATURATED BY SURFACE

1 WATER OR GROUNDWATER AT A FREQUENCY AND DURATION SUFFICIENT TO
2 SUPPORT, AND THAT UNDER NORMAL CIRCUMSTANCES ACTUALLY SUPPORT, A
3 PREVALENCE OF VEGETATION TYPICALLY ADAPTED FOR LIFE IN SATURATED
4 SOIL CONDITIONS, INCLUDING A SWAMP, MARSH, BOG AND SIMILAR AREA.

5 "WILD TROUT STREAM." A STREAM CLASSIFIED BY THE PENNSYLVANIA
6 FISH AND BOAT COMMISSION AS SUPPORTING NATURALLY REPRODUCING
7 TROUT POPULATIONS.

8 SECTION 2. SECTION 9.1 OF THE ACT, ADDED DECEMBER 16, 1992
9 (P.L.1240, NO.164), IS AMENDED TO READ:

10 Section 9.1. Rules and regulations.

11 The Secretary of [Commerce] Community and Economic
12 Development may, in the manner provided by law, promulgate the
13 rules and regulations necessary to carry out this act.
14 Regulations so promulgated shall not apply to districts created
15 prior to the effective date of such regulations.

16 Section ~~2~~ 3. Section 10 of the act is amended to read: <—

17 Section 10. [Comprehensive report] Reporting requirements.

18 (a) Comprehensive report.--The Department of [Commerce]
19 Community and Economic Development, in cooperation with other
20 State agencies and local governments, shall make a comprehensive
21 report to the Governor and the General Assembly every two years
22 commencing January 1, 1992, as to the social, economic, and
23 financial effects and impact of tax increment financing
24 projects.

25 (b) Municipality reports.--The governing body of a
26 municipality that creates a tax increment district and adopts a
27 resolution or ordinance in accordance with section 5(a)(6),
28 shall report to the Department of Community and Economic
29 Development within 30 days of the adoption thereof, such
30 information as required by regulation of the department. A copy

1 of the resolution or ordinance shall be attached to the report.

2 Section 3 4. This act shall take effect in 60 days.

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