



HOUSE COMMITTEE ON APPROPRIATIONS

2009-10 Legislative Session

FISCAL NOTE

SENATE BILL: 84

PRINTER'S NO: 67

PRIME SPONSOR: Greenleaf

| FISCAL IMPACT SUMMARY | FY 2009/10 | FY 2010/11 |
|---|------------|------------|
| Expenditure Increase/(Decrease): | | |
| General Fund | \$0 | \$0 |

OVERVIEW:

Senate Bill 84 amends the Economic Development Agency, Fiduciary and Lender Environmental Liability Protection Act (Act 3 of 1995) further providing for definitions, limitation of economic development agency environmental liability and for defenses to liability.

This legislation shall take effect in 60 days.

ANALYSIS:

Senate Bill 84 amends the definitions of:

- “Economic development agencies” to include “any nonprofit corporation created and controlled by a redevelopment authority to carry out its statutory purpose;”
- “Environmental acts” to include “common law” in addition to the other types of law currently included in the definition;
- “Indicia of ownership” to include “fee title” as any legal or equitable interest in property, acquired directly or indirectly and to allow economic development agencies “to secure public funding for the environmental investigation, remediation or redevelopment of or implementation of infrastructure improvements at the property for, among other purposes, the transfer of title to the property to a third party after rehabilitation.” The limitation of economic development agency environmental liability is also amended to extend liability limitations in this manner.

Senate Bill 84 further clarifies the scope of limited liability such that economic development agencies, its officers, directors, and others acting on the agency’s behalf are not liable unless they directly cause an immediate release or exacerbate a release of a regulated substance on or from the property.

Adoption of this legislation should have no adverse impact on Commonwealth funds.

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DATE: July 15, 2009

General Note and Disclaimer: *This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*