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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 1102** Session of  
2004

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INTRODUCED BY GORDNER, JUBELIRER, BRIGHTBILL, MADIGAN, WENGER,  
RHOADES, LEMMOND, ORIE, RAFFERTY, ERICKSON, PILEGGI, CORMAN,  
SCHWARTZ, C. WILLIAMS, PIPPY, EARLL, MOWERY, WAUGH, THOMPSON,  
BOSCOLA, PUNT AND ROBBINS, MAY 26, 2004

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JULY 2, 2004

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AN ACT

1 Amending Titles 12 (Commerce and Trade) and 64 (Public  
2 Authorities and Quasi-Public Corporations) of the  
3 Pennsylvania Consolidated Statutes, providing for water  
4 supply and wastewater infrastructure capitalization;  
5 AUTHORIZING DEBT; defining "investor-owned water or  
6 wastewater enterprise"; and providing for Water Supply and  
7 Wastewater Infrastructure Program. ←

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Title 12 of the Pennsylvania Consolidated  
11 Statutes is amended by adding a chapter to read:

12 CHAPTER 39

13 WATER SUPPLY AND WASTEWATER

14 INFRASTRUCTURE CAPITALIZATION

15 Sec.

16 3901. Scope of chapter.

17 3902. Definitions.

18 3903. Establishment.

- 1 3904. Award of grants.
- 2 3905. Award and administration of loans.
- 3 3906. Funds.
- 4 3907. COMMONWEALTH INDEBTEDNESS.

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5 § 3901. Scope of chapter.

6 This chapter relates to the Water Supply and Wastewater  
7 Infrastructure Capitalization Program.

8 § 3902. Definitions.

9 The following words and phrases when used in this chapter  
10 shall have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Applicant." A municipality, a municipal authority,  
13 industrial development corporation or an investor-owned water or  
14 wastewater enterprise that submits an application under 64  
15 Pa.C.S. § 1558 (relating to Water Supply and Wastewater  
16 Infrastructure Program).

17 "Authority." The Commonwealth Financing Authority  
18 established under 64 Pa.C.S. § 1511 (relating to authority).

19 "Cost of a project." Any of the following:

20 (1) Costs and expenses of acquisition of interests in  
21 land, infrastructure, buildings, structures, equipment,  
22 furnishings, fixtures and other tangible property which  
23 comprises the project.

24 (2) Costs and expenses of construction, reconstruction,  
25 erection, equipping, expansion, improvement, installation,  
26 rehabilitation, renovation or repair of infrastructure,  
27 buildings, structures, equipment and fixtures which comprise  
28 the project.

29 (3) Costs and expenses of demolishing, removing or  
30 relocating buildings or structures on lands acquired or to be

1 acquired.

2 (4) Costs and expenses of preparing land for  
3 development.

4 (5) Costs and expenses of engineering services,  
5 financial services, accounting services, legal services,  
6 plans, specifications, studies and surveys necessary or  
7 incidental to determining the feasibility or practicability  
8 of the project.

9 "FUND." THE WATER SUPPLY AND WASTEWATER TREATMENT FUND ←  
10 ESTABLISHED IN SECTION 3906(B) (RELATING TO FUNDS).

11 "Industrial development corporation." An entity certified as  
12 an industrial development agency by the Pennsylvania Industrial  
13 Development Authority Board under the act of May 17, 1956 (1955  
14 P.L.1609, No.537), known as the Pennsylvania Industrial  
15 Development Authority Act.

16 "Investor-owned water or wastewater enterprise." A nonpublic  
17 entity which supplies water or provides wastewater services to  
18 the public for a fee.

19 "Municipal authority." A public authority created under 53  
20 Pa.C.S. Ch. 56 (relating to municipal authorities) or under the  
21 former act of May 2, 1945 (P.L.382, No.164), known as the  
22 Municipality Authorities Act of 1945, which supplies water or  
23 provides wastewater services to the public for a fee.

24 "NUTRIENT REDUCTION TECHNOLOGY." NUTRIENT REDUCTION ←  
25 TECHNOLOGY IS WASTEWATER TREATMENT TECHNOLOGY THAT REDUCES  
26 NUTRIENTS (NITROGEN AND PHOSPHOROUS) AS PART OF A TREATMENT OR  
27 RECYCLING SYSTEM. THE TERM INCLUDES ALL OF THE FOLLOWING:

28 (1) BIOLOGICAL, CHEMICAL AND PHYSICAL WASTEWATER  
29 TREATMENT.

30 (2) SYSTEM AND OPERATIONAL MODIFICATIONS.

1 "Project." An activity approved for a grant or loan under 64  
2 Pa.C.S. § 1558 (relating to Water Supply and Wastewater  
3 Infrastructure Program).

4 "SINKING FUND." THE WATER SUPPLY AND WASTEWATER TREATMENT <—  
5 SINKING FUND ESTABLISHED IN SECTION 3906(B) (RELATING TO FUNDS).  
6 § 3903. Establishment.

7 There is established within the department a program to be  
8 known as the Water Supply and Wastewater Infrastructure  
9 Capitalization Program. The program shall finance single-year or  
10 multiyear grants to municipalities and municipal authorities and  
11 loans to municipalities, municipal authorities, industrial  
12 development corporations and investor-owned water or wastewater  
13 enterprises for projects which are approved by the ~~Commonwealth~~ <—  
14 ~~Financing Authority~~ AUTHORITY and which, when completed, <—  
15 construct, expand or improve water and wastewater infrastructure  
16 ~~which is related to economic development.~~ <—

17 § 3904. Award of grants.

18 Upon being notified by the authority that a grant has been  
19 approved under 64 Pa.C.S. § 1558(c) (relating to Water Supply  
20 and Wastewater Infrastructure Program) for ~~a municipality or~~ <—  
21 ~~municipal authority~~ AN APPLICANT, the department shall, within <—  
22 45 days of receiving notice, enter into a contract with the  
23 ~~municipality or municipal authority~~ APPLICANT. The contract <—  
24 shall be for the amount approved by the authority. Upon entering  
25 into a contract with the ~~municipality or municipal authority~~ <—  
26 APPLICANT, the department shall award the grant for the amount <—  
27 specified in the contract.

28 § 3905. Award and administration of loans.

29 (a) Award.--

30 (1) Upon being notified that a loan has been approved

1 under 64 Pa.C.S. § 1558(d) (relating to Water Supply and  
2 Wastewater Infrastructure Program) for an applicant, the  
3 department shall, within 45 days of receiving notice, enter  
4 into a contract with the applicant. The contract shall be for  
5 the amount approved and shall specify the terms of the loan  
6 in accordance with all of the following:

7 (i) A loan shall be at an interest rate not to  
8 exceed 1%.

9 (ii) A loan shall be for a term not to exceed 20  
10 years.

11 (2) Upon entering into a contract with the applicant,  
12 the department shall award the loan for the amount specified  
13 in the contract.

14 (b) Administration.--Loans made under this section shall be  
15 administered by the department. Loan payments received by the  
16 department for a loan awarded under this section shall be  
17 deposited in the General Fund.

18 § 3906. Funds.

19 (A) PROCEEDS.--Proceeds of the borrowing authorized by the <—  
20 electors pursuant to the act of February 12, 2004 (P.L.72,  
21 No.10), known as the Water and Wastewater Treatment Project Bond  
22 Act, shall be used by the department in funding grants and loans  
23 awarded under this chapter.

24 (B) FUND.-- <—

25 (1) THE WATER SUPPLY AND WASTEWATER TREATMENT FUND IS  
26 ESTABLISHED AS A RESTRICTED FUND IN THE STATE TREASURY.

27 (2) THE FUND SHALL BE USED TO CARRY OUT THE PURPOSES OF  
28 THIS CHAPTER.

29 (C) SINKING FUND.--THE WATER SUPPLY AND WASTEWATER TREATMENT  
30 SINKING FUND IS ESTABLISHED TO ~~RETIRE DEBT~~ MAKE PRINCIPAL AND <—

1 INTEREST PAYMENTS UNDER SECTION 3907(D) (RELATING TO  
2 COMMONWEALTH INDEBTEDNESS).

3 § 3907. COMMONWEALTH INDEBTEDNESS.

4 (A) BORROWING AUTHORIZED.--

5 (1) PURSUANT TO ~~THE REFERENDUM UNDER~~ SECTION 7(A)(3) OF <—  
6 ARTICLE VIII OF THE CONSTITUTION OF PENNSYLVANIA AND THE  
7 APPROVAL BY THE ELECTORATE ON APRIL 27, 2004, OF THE  
8 REFERENDUM AUTHORIZED BY THE ACT OF FEBRUARY 12, 2004  
9 (P.L.72, NO.10), KNOWN AS THE WATER AND WASTEWATER TREATMENT  
10 PROJECT BOND ACT, ~~AND UNDER SECTION 7(A)(3) OF ARTICLE VIII~~ <—  
11 ~~OF THE CONSTITUTION OF PENNSYLVANIA,~~ THE ISSUING OFFICIALS  
12 ARE AUTHORIZED AND DIRECTED TO BORROW ~~OVER A THREE YEAR~~ <—  
13 ~~PERIOD,~~ ON THE CREDIT OF THE COMMONWEALTH, MONEY NOT  
14 EXCEEDING IN THE AGGREGATE THE SUM OF \$250,000,000, NOT  
15 INCLUDING MONEY BORROWED TO REFUND OUTSTANDING BONDS, NOTES  
16 OR REPLACEMENT NOTES, AS MAY BE FOUND NECESSARY TO CARRY OUT  
17 THE PURPOSES OF THIS CHAPTER.

18 (2) AS EVIDENCE OF THE INDEBTEDNESS AUTHORIZED IN THIS  
19 CHAPTER, GENERAL OBLIGATION BONDS OF THE COMMONWEALTH SHALL  
20 BE ISSUED TO PROVIDE MONEY NECESSARY TO CARRY OUT THE  
21 PURPOSES OF THIS CHAPTER. THE ISSUING OFFICIALS SHALL DIRECT  
22 THE FOLLOWING:

23 (I) TOTAL PRINCIPAL AMOUNT. <—

24 (II) FORM.

25 (III) DENOMINATION.

26 (IV) TERMS AND CONDITIONS OF:

27 (A) ISSUE;

28 (B) REDEMPTION AND MATURITY;

29 (C) RATE OF INTEREST; AND

30 (D) TIME OF PAYMENT OF INTEREST, EXCEPT THAT THE

1 LATEST STATED MATURITY DATE SHALL NOT EXCEED 20 YEARS  
2 FROM THE DATE OF THE FIRST OBLIGATION ISSUED TO  
3 EVIDENCE THE DEBT.

4 (3) ALL BONDS AND NOTES ISSUED UNDER THE AUTHORITY OF  
5 THIS CHAPTER SHALL BEAR FACSIMILE SIGNATURES OF THE ISSUING  
6 OFFICIALS AND A FACSIMILE OF THE GREAT SEAL OF THE  
7 COMMONWEALTH AND SHALL BE COUNTERSIGNED BY AN AUTHORIZED  
8 OFFICER OF AN AUTHORIZED LOAN AND TRANSFER AGENT OF THE  
9 COMMONWEALTH.

10 (4) ALL BONDS AND NOTES ISSUED IN ACCORDANCE WITH THIS  
11 CHAPTER SHALL BE DIRECT OBLIGATIONS OF THE COMMONWEALTH. THE  
12 FULL FAITH AND CREDIT OF THE COMMONWEALTH ARE PLEDGED FOR THE  
13 PAYMENT OF THE INTEREST ON THE BONDS AND NOTES, AS IT BECOMES  
14 DUE, AND THE PAYMENT OF THE PRINCIPAL AT MATURITY. THE  
15 PRINCIPAL OF AND INTEREST ON THE BONDS AND NOTES SHALL BE  
16 PAYABLE IN LAWFUL MONEY OF THE UNITED STATES.

17 (5) ALL BONDS AND NOTES ISSUED UNDER THIS CHAPTER SHALL  
18 BE:

19 (I) EXEMPT FROM TAXATION FOR STATE AND LOCAL  
20 PURPOSES; AND

21 (II) ELIGIBLE FOR TAX-EXEMPT BOND FUNDING UNDER  
22 EXISTING FEDERAL LAW.

23 (6) THE BONDS MAY BE ISSUED AS COUPON BONDS OR  
24 REGISTERED AS TO BOTH PRINCIPAL AND INTEREST AS THE ISSUING  
25 OFFICIALS DETERMINE. IF INTEREST COUPONS ARE ATTACHED, THEY  
26 SHALL CONTAIN THE FACSIMILE SIGNATURE OF THE STATE TREASURER.

27 (7) THE ISSUING OFFICIALS SHALL PROVIDE FOR THE  
28 AMORTIZATION OF THE BONDS IN SUBSTANTIAL AND REGULAR AMOUNTS  
29 OVER THE TERM OF THE DEBT SO THAT THE BONDS OF EACH ISSUE  
30 SHALL MATURE WITHIN A PERIOD NOT TO EXCEED THE APPROPRIATE

1 AMORTIZATION PERIOD AS SPECIFIED BY THE ISSUING OFFICIALS,  
2 BUT IN NO CASE IN EXCESS OF 20 YEARS. THE FIRST RETIREMENT OF  
3 PRINCIPAL SHALL BE STATED TO MATURE PRIOR TO THE EXPIRATION  
4 OF A PERIOD OF TIME EQUAL TO ONE-TENTH OF THE TIME FROM THE  
5 DATE OF THE FIRST OBLIGATION ISSUED TO EVIDENCE THE DEBT TO  
6 THE DATE OF THE EXPIRATION OF THE TERM OF THE DEBT.

7 RETIREMENTS OF PRINCIPAL SHALL BE REGULAR AND SUBSTANTIAL IF  
8 MADE IN ANNUAL OR SEMIANNUAL AMOUNTS, WHETHER BY STATED  
9 SERIAL MATURITIES OR BY MANDATORY SINKING FUND RETIREMENTS.

10 (8) THE ISSUING OFFICIALS ARE AUTHORIZED TO PROVIDE BY  
11 RESOLUTION FOR THE ISSUANCE OF REFUNDING BONDS FOR THE  
12 PURPOSE OF REFUNDING DEBT ISSUED UNDER THIS CHAPTER AND THEN  
13 OUTSTANDING, EITHER BY VOLUNTARY EXCHANGE WITH THE HOLDERS OF  
14 THE OUTSTANDING DEBT OR BY PROVIDING FUNDS TO REDEEM AND  
15 RETIRE THE OUTSTANDING DEBT WITH ACCRUED INTEREST, ANY  
16 PREMIUM PAYABLE ~~ON THEM~~ AND THE COSTS OF ISSUANCE AND ←  
17 RETIREMENT OF THE DEBT, AT MATURITY OR AT ANY CALL DATE. THE  
18 ISSUANCE OF THE REFUNDING BONDS, THE MATURITIES AND OTHER  
19 DETAILS OF THE REFUNDING BONDS, THE RIGHTS OF THE HOLDERS OF  
20 THE REFUNDING BONDS AND THE DUTIES OF THE ISSUING OFFICIALS  
21 IN RESPECT TO THE REFUNDING BONDS SHALL BE GOVERNED BY THE  
22 APPLICABLE PROVISIONS OF THIS CHAPTER. REFUNDING BONDS, WHICH  
23 ARE NOT SUBJECT TO THE AGGREGATE LIMITATION OF \$250,000,000  
24 OF DEBT TO BE ISSUED PURSUANT TO THIS CHAPTER, MAY BE ISSUED  
25 BY THE ISSUING OFFICIALS TO REFUND DEBT ORIGINALLY ISSUED OR  
26 TO REFUND BONDS PREVIOUSLY ISSUED FOR REFUNDING PURPOSES.

27 (9) IF AN ACTION IS TO BE TAKEN OR A DECISION IS TO BE  
28 MADE BY THE ISSUING OFFICIALS AND THE THREE OFFICERS ARE NOT  
29 ABLE UNANIMOUSLY TO AGREE, THE ACTION OR DECISION OF THE  
30 GOVERNOR AND EITHER THE AUDITOR GENERAL OR THE STATE



1       TREASURER SHALL BE BINDING AND FINAL.

2       (B)   SALE OF BONDS.--

3           (1)   IF BONDS ARE ISSUED, THE FOLLOWING APPLY:

4               (I)   BONDS SHALL BE OFFERED FOR SALE AT NOT LESS THAN  
5               98% OF THE PRINCIPAL AMOUNT AND ACCRUED INTEREST.

6               (II)   BONDS SHALL BE SOLD BY THE ISSUING OFFICIALS TO  
7               THE HIGHEST AND BEST BIDDER AFTER PUBLIC ADVERTISEMENT ON  
8               THE TERMS AND CONDITIONS AND UPON OPEN COMPETITIVE  
9               BIDDING AS THE ISSUING OFFICIALS DIRECT. THE MANNER AND  
10              CHARACTER OF THE ADVERTISEMENT AND THE TIME OF  
11              ADVERTISING SHALL BE PRESCRIBED BY THE ISSUING OFFICIALS.

12              (III)   NO COMMISSION SHALL BE ALLOWED OR PAID FOR THE  
13              SALE OF ANY BONDS ISSUED UNDER THE AUTHORITY OF THIS  
14              CHAPTER.

15           (2)   ANY PORTION OF ANY BOND ISSUE OFFERED AND NOT SOLD  
16           OR SUBSCRIBED FOR AT PUBLIC SALE MAY BE DISPOSED OF BY  
17           PRIVATE SALE BY THE ISSUING OFFICIALS IN A MANNER AND AT A  
18           PRICE, NOT LESS THAN 98% OF THE PRINCIPAL AMOUNT AND ACCRUED  
19           INTEREST, AS THE GOVERNOR DIRECTS. NO COMMISSION SHALL BE  
20           ALLOWED OR PAID FOR THE SALE OF ANY BONDS ISSUED UNDER THE  
21           AUTHORITY OF THIS CHAPTER.

22           (3)   THE BONDS OF EACH ISSUE SHALL CONSTITUTE A SEPARATE  
23           SERIES TO BE DESIGNATED BY THE ISSUING OFFICIALS OR MAY BE  
24           COMBINED FOR SALE AS ONE SERIES WITH OTHER GENERAL OBLIGATION  
25           BONDS OF THE COMMONWEALTH.

26           (4)   UNTIL PERMANENT BONDS CAN BE PREPARED, THE ISSUING  
27           OFFICIALS MAY ISSUE, IN LIEU OF PERMANENT BONDS, TEMPORARY  
28           BONDS IN A FORM AND WITH PRIVILEGES AS TO REGISTRATION AND  
29           EXCHANGE FOR PERMANENT BONDS AS DETERMINED BY THE ISSUING  
30           OFFICIALS.

1           (5) THE PROCEEDS REALIZED FROM THE SALE OF BONDS AND  
2 NOTES, EXCEPT REFUNDING BONDS AND REPLACEMENT NOTES, UNDER  
3 THIS CHAPTER SHALL BE PAID INTO THE FUND AND ARE SPECIFICALLY  
4 DEDICATED TO THE PURPOSES OF THIS CHAPTER. THE PROCEEDS SHALL  
5 BE PAID BY THE STATE TREASURER PERIODICALLY TO THE DEPARTMENT  
6 AT TIMES AND IN AMOUNTS AS NECESSARY TO SATISFY THE FUNDING  
7 NEEDS OF THE DEPARTMENT UNDER THIS CHAPTER. THE PROCEEDS OF  
8 THE SALE OF REFUNDING BONDS AND REPLACEMENT NOTES SHALL BE  
9 PAID TO THE STATE TREASURER AND APPLIED TO THE PAYMENT OF  
10 PRINCIPAL, ANY ACCRUED INTEREST AND PREMIUM, AND COST OF  
11 REDEMPTION, OF THE BONDS AND NOTES FOR WHICH THE OBLIGATIONS  
12 HAVE BEEN ISSUED.

13           (6) PENDING THEIR APPLICATION FOR THE PURPOSES  
14 AUTHORIZED, MONEY HELD OR DEPOSITED BY THE STATE TREASURER  
15 MAY BE INVESTED OR REINVESTED AS ARE OTHER FUNDS IN THE  
16 CUSTODY OF THE STATE TREASURER IN THE MANNER PROVIDED BY LAW.  
17 ALL EARNINGS RECEIVED FROM THE INVESTMENT OR DEPOSIT OF THE  
18 FUNDS SHALL BE PAID INTO THE STATE TREASURY TO THE CREDIT OF  
19 THE FUND.

20           (7) THE AUDITOR GENERAL SHALL PREPARE THE NECESSARY  
21 REGISTRY BOOK TO BE KEPT IN THE OFFICE OF THE AUTHORIZED LOAN  
22 AND TRANSFER AGENT OF THE COMMONWEALTH FOR THE REGISTRATION  
23 OF BONDS, AT THE REQUEST OF OWNERS OF THE BONDS, ACCORDING TO  
24 THE TERMS AND CONDITIONS OF ISSUE DIRECTED BY THE ISSUING  
25 OFFICIALS.

26           (8) THERE IS HEREBY APPROPRIATED TO THE STATE TREASURER  
27 FROM THE FUND AS MUCH MONEY AS MAY BE NECESSARY FOR ALL COSTS  
28 AND EXPENSES IN CONNECTION WITH THE ISSUE OF AND SALE AND  
29 REGISTRATION OF THE BONDS AND NOTES IN CONNECTION WITH THIS  
30 CHAPTER AND THE PAYMENT OF INTEREST ARBITRAGE REBATES. OR

<—

1 ~~PROCEEDS OF THE BONDS AND NOTES.~~

2 (C) TEMPORARY FINANCING AUTHORIZATION.--

3 (1) PENDING THE ISSUANCE OF BONDS OF THE COMMONWEALTH AS  
4 AUTHORIZED, THE ISSUING OFFICIALS ARE AUTHORIZED, IN  
5 ACCORDANCE WITH THIS CHAPTER AND ON THE CREDIT OF THE  
6 COMMONWEALTH, TO MAKE TEMPORARY BORROWINGS NOT TO EXCEED ONE  
7 YEAR IN ANTICIPATION OF THE ISSUE OF BONDS IN ORDER TO  
8 PROVIDE FUNDS IN AMOUNTS AS DEEMED ADVISABLE PRIOR TO THE  
9 ISSUE OF BONDS. IN ORDER TO PROVIDE FOR AND IN CONNECTION  
10 WITH ANY TEMPORARY BORROWING, THE ISSUING OFFICIALS ARE  
11 AUTHORIZED IN THE NAME AND ON BEHALF OF THE COMMONWEALTH TO  
12 ENTER INTO PURCHASE, LOAN OR CREDIT AGREEMENT OR OTHER  
13 AGREEMENT WITH ANY BANK OR TRUST COMPANY, OTHER LENDING  
14 INSTITUTION, INVESTMENT BANKING FIRM OR PERSON IN THE UNITED  
15 STATES HAVING POWER TO ENTER INTO THE AGREEMENT. THE  
16 AGREEMENT MAY CONTAIN PROVISIONS NOT INCONSISTENT WITH THIS  
17 CHAPTER AS AUTHORIZED BY THE ISSUING OFFICIALS.

18 (2) TEMPORARY BORROWINGS MADE UNDER THIS SUBSECTION  
19 SHALL BE EVIDENCED BY NOTES OF THE COMMONWEALTH. THE ISSUING  
20 OFFICIALS SHALL AUTHORIZE AND DIRECT, IN ACCORDANCE WITH THIS  
21 CHAPTER, ALL OF THE FOLLOWING:

22 (I) AMOUNT, NOT EXCEEDING IN THE AGGREGATE THE  
23 APPLICABLE STATUTORY ~~AND CONSTITUTIONAL~~ DEBT LIMITATION. <—

24 (II) FORM.

25 (III) DENOMINATION.

26 (IV) TERMS AND CONDITIONS OF:

27 (A) SALE AND ISSUE;

28 (B) PREPAYMENT OR REDEMPTION AND MATURITY;

29 (C) RATE OF INTEREST; AND

30 (D) TIME OF PAYMENT OF INTEREST.

1           (3) AUTHORIZATION AND DIRECTION UNDER PARAGRAPH (2) MAY  
2 PROVIDE FOR THE SUBSEQUENT ISSUANCE OF REPLACEMENT NOTES TO  
3 REFUND OUTSTANDING NOTES OR REPLACEMENT NOTES. REPLACEMENT  
4 NOTES SHALL EVIDENCE BORROWING AND MAY SPECIFY OTHER TERMS  
5 AND CONDITIONS WITH RESPECT TO THE NOTES AND REPLACEMENT  
6 NOTES AUTHORIZED FOR ISSUANCE AS THE ISSUING OFFICIALS  
7 DETERMINE AND DIRECT.

8           (4) IF THE AUTHORIZATION AND DIRECTION OF THE ISSUING  
9 OFFICIALS PROVIDE FOR THE ISSUANCE OF REPLACEMENT NOTES, THE  
10 ISSUING OFFICIALS ARE AUTHORIZED IN THE NAME AND ON BEHALF OF  
11 THE COMMONWEALTH TO ISSUE, ENTER INTO OR AUTHORIZE AND DIRECT  
12 THE STATE TREASURER TO ENTER INTO AN AGREEMENT WITH ANY BANK,  
13 TRUST COMPANY, INVESTMENT BANKING FIRM OR OTHER INSTITUTION  
14 OR PERSON IN THE UNITED STATES HAVING THE POWER TO ENTER INTO  
15 THE AGREEMENT:

16           (I) TO PURCHASE OR UNDERWRITE AN ISSUE OR SERIES OF  
17 ISSUES OF NOTES.

18           (II) TO CREDIT; TO ENTER INTO ANY PURCHASE, LOAN OR  
19 CREDIT AGREEMENT; TO DRAW MONEY PURSUANT TO THE AGREEMENT  
20 ON THE TERMS AND CONDITIONS SET FORTH IN THE AGREEMENT;  
21 AND TO ISSUE NOTES AS EVIDENCE OF BORROWINGS MADE UNDER  
22 THE AGREEMENT.

23           (III) TO APPOINT AN ISSUING AND PAYING AGENT WITH  
24 RESPECT TO NOTES.

25           (IV) TO DO ALL ACTS NECESSARY OR APPROPRIATE TO  
26 PROVIDE FOR THE PAYMENT, WHEN DUE, OF THE INTEREST ON AND  
27 THE PRINCIPAL OF THE NOTES.

28           (5) AN AGREEMENT UNDER PARAGRAPH (4) MAY PROVIDE FOR THE  
29 COMPENSATION OF PURCHASERS OR UNDERWRITERS OF NOTES OR  
30 REPLACEMENT NOTES BY DISCOUNTING THE PURCHASE PRICE OF THE

1 NOTES OR BY PAYMENT OF A FIXED FEE OR COMMISSION AT THE TIME  
2 OF THEIR ISSUANCE. ALL OTHER COSTS AND EXPENSES, INCLUDING  
3 FEES FOR AGREEMENTS RELATED TO THE NOTES, ISSUING AND PAYING  
4 AGENT COSTS AND COSTS AND EXPENSES OF ISSUANCE, MAY BE PAID  
5 FROM THE PROCEEDS OF THE NOTES.

6 (6) IF THE AUTHORIZATION AND DIRECTION OF THE ISSUING  
7 OFFICIALS PROVIDE FOR THE ISSUANCE OF REPLACEMENT NOTES, THE  
8 STATE TREASURER, AT OR PRIOR TO THE TIME OF DELIVERY OF THESE  
9 NOTES OR REPLACEMENT NOTES, SHALL, SUBJECT TO THE  
10 AUTHORIZATION AND DIRECTION OF THE ISSUING OFFICIALS, DO ALL  
11 OF THE FOLLOWING:

12 (I) DETERMINE THE:

13 (A) PRINCIPAL AMOUNTS;

14 (B) DATES OF ISSUE;

15 (C) INTEREST RATE OR PROCEDURE FOR ESTABLISHING  
16 INTEREST RATES;

17 (D) RATES OF DISCOUNT;

18 (E) DENOMINATION; AND

19 (F) OTHER TERMS AND CONDITIONS RELATING TO  
20 ISSUANCE.

21 (II) PERFORM ALL ACTS AND THINGS NECESSARY TO PAY OR  
22 CAUSE TO BE PAID, WHEN DUE, ALL PRINCIPAL OF AND INTEREST  
23 ON THE NOTES BEING REFUNDED BY REPLACEMENT NOTES AND TO  
24 ASSURE THAT THE PAYMENT MAY DRAW UPON ANY MONEY AVAILABLE  
25 FOR THAT PURPOSE PURSUANT TO A PURCHASE, LOAN OR CREDIT  
26 AGREEMENT ESTABLISHED WITH RESPECT TO THE NOTES.

27 (7) OUTSTANDING NOTES EVIDENCING THE BORROWINGS MAY BE  
28 FUNDED AND RETIRED BY THE ISSUANCE AND SALE OF THE BONDS OF  
29 THE COMMONWEALTH AS AUTHORIZED IN THIS PARAGRAPH. THE  
30 REFUNDING BONDS SHALL BE ISSUED AND SOLD NOT LATER THAN A

1 DATE ONE YEAR AFTER THE DATE OF ISSUANCE OF THE FIRST NOTES  
2 EVIDENCING THE BORROWING TO THE EXTENT THAT PAYMENT OF THE  
3 NOTES HAS NOT OTHERWISE BEEN MADE OR PROVIDED FOR BY SOURCES  
4 OTHER THAN PROCEEDS OF REPLACEMENT NOTES.

5 (8) THE PROCEEDS OF ALL TEMPORARY BORROWING SHALL BE  
6 PAID TO THE STATE TREASURER TO BE HELD AND DISPOSED OF IN  
7 ACCORDANCE WITH THIS CHAPTER.

8 (D) DEBT RETIREMENT.--

9 (1) ALL BONDS ISSUED UNDER THE AUTHORITY OF THIS CHAPTER  
10 SHALL BE REDEEMED AT MATURITY, TOGETHER WITH ALL INTEREST  
11 DUE. PRINCIPAL AND INTEREST PAYMENTS SHALL BE PAID FROM THE  
12 SINKING FUND. FOR THE SPECIFIC PURPOSE OF REDEEMING THE BONDS  
13 AT MATURITY AND PAYING ALL INTEREST ON THE BONDS IN  
14 ACCORDANCE WITH THE INFORMATION RECEIVED FROM THE GOVERNOR,  
15 THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY ~~TO THE SINKING~~ ←  
16 ~~FUND~~ FOR THE PAYMENT OF INTEREST ON THE BONDS AND NOTES AND  
17 THE PRINCIPAL OF THE BONDS AND NOTES AT MATURITY. ALL MONEY  
18 PAID INTO THE SINKING FUND AND ALL OF THE MONEY NOT NECESSARY  
19 TO PAY ACCRUING INTEREST SHALL BE INVESTED BY THE STATE  
20 TREASURER IN SECURITIES AS ARE PROVIDED BY LAW FOR THE  
21 INVESTMENT OF THE SINKING FUNDS OF THE COMMONWEALTH.

22 (2) THE STATE TREASURER SHALL DETERMINE AND REPORT TO  
23 THE SECRETARY OF THE BUDGET BY NOVEMBER 1 OF EACH YEAR THE  
24 AMOUNT OF MONEY NECESSARY FOR THE PAYMENT OF ANY INTEREST ON  
25 OUTSTANDING OBLIGATIONS AND THE PRINCIPAL OF THE OBLIGATIONS  
26 FOR THE FOLLOWING FISCAL YEAR AND THE TIMES AND AMOUNTS OF  
27 THE PAYMENTS. THE GOVERNOR SHALL INCLUDE IN EVERY BUDGET  
28 SUBMITTED TO THE GENERAL ASSEMBLY FULL INFORMATION RELATING  
29 TO THE ISSUANCE OF BONDS AND NOTES UNDER THIS CHAPTER AND THE  
30 STATUS OF THE FUND AND THE SINKING FUND FOR THE PAYMENT OF

1 INTEREST ON THE BONDS AND NOTES AND THE PRINCIPAL OF THE  
2 BONDS AND NOTES AT MATURITY.

3 (3) THE GENERAL ASSEMBLY SHALL APPROPRIATE FOR DEPOSIT  
4 INTO THE SINKING FUND AN AMOUNT EQUAL TO THE SUM NECESSARY TO  
5 MEET REPAYMENT OBLIGATIONS FOR PRINCIPAL AND INTEREST.

6 (E) DEFINITION.--AS USED IN THIS SECTION, THE TERM "ISSUING  
7 OFFICIALS" MEANS THE GOVERNOR, THE AUDITOR GENERAL AND THE STATE  
8 TREASURER.

9 Section 2. Section 1504 of Title 64, ~~added April 1, 2004~~ ←  
10 ~~(P.L.163, No.22)~~, is amended by adding a definition to read:  
11 § 1504. Definitions.

12 The following words and phrases when used in this chapter  
13 shall have the meaning given to them in this section unless the  
14 context clearly indicates otherwise:

15 \* \* \*

16 "Investor-owned water or wastewater enterprise." A nonpublic  
17 entity which supplies water or provides wastewater services to  
18 the public for a fee.

19 \* \* \*

20 SECTION 3. SECTION 1543(C) OF TITLE 64, ADDED APRIL 1, 2004 ←  
21 (P.L.163, NO.22), IS AMENDED TO READ:

22 § 1543. INDEBTEDNESS.

23 \* \* \*

24 (C) FISCAL YEAR LIMITATIONS.--

25 (1) EXCEPT AS PROVIDED IN SUBSECTION (D) AND PARAGRAPHS  
26 (2), (3) AND (4), THE AGGREGATE AMOUNT OF INDEBTEDNESS  
27 INCURRED BY THE AUTHORITY, INCLUDING THROUGH THE ISSUANCE OF  
28 BONDS, MAY NOT EXCEED \$250,000,000 REDUCED BY THE AGGREGATE  
29 AMOUNT OF COMMONWEALTH INDEBTEDNESS INCURRED [AS A RESULT OF  
30 THE ACT OF FEBRUARY 12, 2004 (P.L.72, NO.10), KNOWN AS THE

1 WATER AND WASTEWATER TREATMENT PROJECT BOND ACT] UNDER 12  
2 PA.C.S. CH. 39 (RELATING TO WATER SUPPLY AND WASTEWATER  
3 INFRASTRUCTURE CAPITALIZATION).

4 (2) EXCEPT AS PROVIDED IN SUBSECTION (D) AND PARAGRAPHS  
5 (3) AND (4) AND UPON ADOPTION OF A RESOLUTION UNDER  
6 SUBSECTION (F)(1), THE AGGREGATE AMOUNT OF INDEBTEDNESS  
7 INCURRED BY THE AUTHORITY, INCLUDING THROUGH THE ISSUANCE OF  
8 BONDS, MAY NOT EXCEED \$500,000,000 REDUCED BY THE AGGREGATE  
9 AMOUNT OF COMMONWEALTH INDEBTEDNESS INCURRED [AS A RESULT OF  
10 THE WATER AND WASTEWATER TREATMENT PROJECT BOND ACT] UNDER 12  
11 PA.C.S. CH. 39.

12 (3) EXCEPT AS PROVIDED IN SUBSECTION (D) AND PARAGRAPH  
13 (4) AND UPON ADOPTION OF A RESOLUTION UNDER SUBSECTION  
14 (F)(2), THE AGGREGATE AMOUNT OF INDEBTEDNESS INCURRED BY THE  
15 AUTHORITY, INCLUDING THROUGH THE ISSUANCE OF BONDS, MAY NOT  
16 EXCEED \$750,000,000 REDUCED BY THE AGGREGATE AMOUNT OF  
17 COMMONWEALTH INDEBTEDNESS INCURRED [AS A RESULT OF THE WATER  
18 AND WASTEWATER TREATMENT PROJECT BOND ACT] UNDER 12 PA.C.S.  
19 CH. 39.

20 (4) EXCEPT AS PROVIDED IN SUBSECTION (D) AND UPON  
21 ADOPTION OF A RESOLUTION UNDER SUBSECTION (F)(3), THE  
22 AGGREGATE AMOUNT OF INDEBTEDNESS INCURRED BY THE AUTHORITY,  
23 INCLUDING THROUGH THE ISSUANCE OF BONDS, MAY NOT EXCEED  
24 \$1,000,000,000 REDUCED BY THE AGGREGATE AMOUNT OF  
25 COMMONWEALTH INDEBTEDNESS INCURRED [AS A RESULT OF THE WATER  
26 AND WASTEWATER TREATMENT PROJECT BOND ACT] UNDER 12 PA.C.S.  
27 CH. 39.

28 \* \* \*

29 Section 3 4. Title 64 is amended by adding a section to  
30 read:

<—



1 § 1558. Water Supply and Wastewater Infrastructure Program.

2 (a) Establishment.--There is established a program to be  
3 known as the Water Supply and Wastewater Infrastructure Program.  
4 The program shall provide financial assistance in the form of  
5 single-year or multiyear grants to municipalities and municipal  
6 authorities and in the form of loans to municipalities,  
7 municipal authorities, industrial development corporations and  
8 investor-owned water or wastewater enterprises for projects  
9 which, when completed, construct, expand or improve water and  
10 wastewater infrastructure ~~which is related to economic~~ ←  
11 development.

12 (b) Application.--A municipality, a municipal authority, an  
13 industrial development corporation or an investor-owned water or  
14 wastewater enterprise may submit an application to the authority  
15 requesting financial assistance for a project. The application  
16 must be on the form required by the board and must include or  
17 demonstrate all of the following:

18 (1) The name and address of the applicant.

19 (2) A statement of the type and amount of financial  
20 assistance sought. If the applicant is requesting financial  
21 assistance in the form of a grant, the request may not exceed  
22 75% of the cost of the project.

23 (3) A statement of the project, including a detailed  
24 statement of the cost of the project.

25 (4) A financial commitment from a responsible source for  
26 any cost of the project in excess of the amount requested. If  
27 the applicant is requesting financial assistance in the form  
28 of a grant from the department, the financial commitment may  
29 not be in the form of a grant from a Commonwealth agency.

30 (5) A firm commitment from the project user to use the

1 project upon completion.

2 (6) Proof that the applicant has secured planning and  
3 permit approvals for the project from the Department of  
4 Environmental Protection.

5 (7) DOCUMENTATION THAT THE PROJECT MEETS AT LEAST ONE OF <—  
6 THE FOLLOWING CRITERIA:

7 (I) THE PROJECT WILL REPAIR OR REHABILITATE EXISTING  
8 SEWER AND WATER SYSTEMS THAT ARE UNSAFE OR UNRELIABLE AND  
9 THAT THREATEN PUBLIC HEALTH AND WATER QUALITY.

10 (II) THE PROJECT WILL ELIMINATE EXISTING COMBINED  
11 SEWER OVERFLOW AND SANITARY SEWER OVERFLOW PROBLEMS WHILE  
12 ENSURING THAT ALL COMBINED AND SANITARY SEWAGE DISCHARGES  
13 RECEIVE AT LEAST SECONDARY SEWAGE TREATMENT. COMPLY WITH <—  
14 FEDERAL AND STATE REQUIREMENTS PURSUANT TO THE FEDERAL  
15 WATER POLLUTION CONTROL ACT (62 STAT. 1155, 33 U.S.C. §  
16 1251 ET SEQ.) AND THE ACT OF JUNE 22, 1937 (P.L.1987,  
17 NO.394), KNOWN AS THE CLEAN STREAMS LAW.

18 (III) THE PROJECT WILL PROVIDE SUPPORT FOR  
19 ALTERNATIVE APPROACHES TO ADDRESS COMBINED SEWER OVERFLOW  
20 AND SANITARY SEWER OVERFLOW PROBLEMS, INCLUDING  
21 DISTRIBUTED STORM WATER AND DECENTRALIZED WASTEWATER  
22 TREATMENT.

23 (IV) THE PROJECT WILL REPAIR, REHABILITATE OR  
24 OTHERWISE USE IN-PLACE SURPLUS CAPACITY FOR ECONOMIC  
25 DEVELOPMENT IN EXISTING COMMUNITIES THAT ARE CURRENTLY  
26 SERVED BY EXISTING SEWER AND WATER SYSTEMS.

27 (V) THE PROJECT WILL CONSTRUCT SEWER OR WATER  
28 SYSTEMS INFRASTRUCTURES WHERE THERE ARE COMPELLING PUBLIC <—  
29 HEALTH OR ENVIRONMENTAL ISSUES OR AN ECONOMIC DEVELOPMENT <—  
30 PROJECT THAT REDEVELOPS, REUSES OR REVITALIZES PREVIOUSLY <—

1 DEVELOPED LAND AND CAN ONLY BE RESOLVED BY CONSTRUCTING  
2 SUCH SYSTEMS. ~~SUCH SYSTEMS~~ INFRASTRUCTURES. SUCH ←  
3 INFRASTRUCTURES MUST BE GENERALLY CONSISTENT WITH  
4 APPLICABLE MUNICIPAL PLANS UNDER THE ACT OF JANUARY 24,  
5 1966 (1965 P.L.1535, NO.537), KNOWN AS THE PENNSYLVANIA  
6 SEWAGE FACILITIES ACT, AND COUNTY AND LOCAL COMPREHENSIVE  
7 PLANS.

8 (VI) THE PROJECT WILL BE DESIGNED, INSTALLED AND ←  
9 OPERATED FOR PURPOSES THAT BENEFIT THE ENVIRONMENT OR  
10 IMPROVE PUBLIC HEALTH INCLUDING THE DESIGN, INSTALLATION  
11 AND OPERATION OF NUTRIENT REDUCTION TECHNOLOGY AT  
12 MUNICIPAL WASTEWATER TREATMENT PLANTS THAT CONTRIBUTE TO  
13 THE IMPAIRMENT OF LOCAL OR DOWNSTREAM WATER QUALITY OR  
14 IMPACT LIVING RESOURCES OR PUBLIC HEALTH.

15 ~~(7)~~ (8) Any other information required by the board. ←

16 (c) Review and approval of grant applications.--

17 (1) If an applicant is requesting financial assistance  
18 in the form of a grant, the authority, in conjunction with  
19 the Department of Environmental Protection, shall review the  
20 application to determine all of the following:

21 ~~(i) That the applicant is not an investor owned~~ ←  
22 ~~water or wastewater enterprise.~~

23 (I) THAT THE APPLICANT IS NOT: ←

24 (A) AN INVESTOR-OWNED WATER OR WASTEWATER  
25 ENTERPRISE;

26 (B) AN INDUSTRIAL DEVELOPMENT CORPORATION WHICH  
27 IS NOT EXEMPT FROM TAXATION UNDER SECTION 501(C)(3)  
28 OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-  
29 514, 26 U.S.C. § 501(C)(3)); NOR

30 (C) ACTING THROUGH A WHOLLY OWNED SUBSIDIARY

1           WHICH IS NOT EXEMPT FROM TAXATION UNDER SECTION  
2           501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 (26  
3           U.S.C. § 501(C)(3)).

4           ~~(ii) If the project is related to economic~~           <—  
5           ~~development.~~

6           ~~(iii) (II) If there is a financial commitment for at~~   <—  
7           ~~least 25% of the project.~~

8           ~~(iv) (III) If the source of the financial commitment~~ <—  
9           ~~is from a responsible source.~~

10          ~~(v) (IV) If the municipality or municipal authority~~ <—  
11          ~~APPLICANT is firmly committed to using the project upon~~ <—  
12          ~~completion.~~

13          ~~(vi) (V) If the municipality or municipal authority~~ <—  
14          ~~APPLICANT has secured planning and permit approvals for~~ <—  
15          ~~the project from the Department of Environmental~~  
16          ~~Protection. THE PROJECT MUST BE GENERALLY CONSISTENT WITH~~ <—  
17          ~~APPLICABLE MUNICIPAL PLANS UNDER THE PENNSYLVANIA SEWAGE~~  
18          ~~FACILITIES ACT, AND COUNTY AND LOCAL COMPREHENSIVE PLANS.~~

19          ~~(vii) (VI) That the municipality or municipal~~   <—  
20          ~~authority APPLICANT did not receive a grant or loan under~~ <—  
21          ~~section 1551 (relating to Business in Our Sites Program)~~  
22          ~~for the project.~~

23          ~~(viii) (VII) If the municipality or municipal~~   <—  
24          ~~authority APPLICANT complied with all other criteria~~   <—  
25          ~~established by the board.~~

26          (2) Upon being satisfied that all program requirements  
27          have been met, the authority may approve the application in  
28          accordance with all of the following:

29               (i) The grant may not exceed \$5,000,000 per project.

30               (ii) Grants under this program shall not exceed

1 \$10,000,000 in the aggregate per municipality or  
2 municipal authority.

3 (iii) The aggregate amount of grants awarded under  
4 this subsection shall not exceed \$125,000,000.

5 (IV) ANY GRANT PROVIDED FOR ECONOMIC DEVELOPMENT ←  
6 UNDER THIS SECTION THAT PAYS FOR MORE THAN \$500,000 IN  
7 INFRASTRUCTURE IMPROVEMENTS, WATER SUPPLY OR WASTEWATER  
8 FACILITIES LOCATED ON THE SITE OF A PRIVATE FACILITY THAT  
9 HAS OR WILL BE RECEIVING ADDITIONAL ECONOMIC DEVELOPMENT  
10 ASSISTANCE OR JOB CREATION TAX CREDITS FROM THE  
11 COMMONWEALTH SHALL INCLUDE A CLAWBACK PROVISION THAT  
12 ENSURES THAT IF THE FACILITY IS CLOSED OR IS SOLD WITHIN  
13 FIVE YEARS AFTER THE APPROVAL OF THE APPLICATION, THE  
14 COMMONWEALTH SHALL REQUEST REIMBURSEMENT FOR THE SPECIFIC  
15 COST OF THAT INFRASTRUCTURE AND SHALL PLACE A LIEN FOR  
16 THAT AMOUNT ON THE REAL PROPERTY OF THAT FACILITY.

17 (3) If the authority approves the application, the  
18 authority shall notify the department of the amount approved.

19 (4) Nothing in this subsection shall be construed to  
20 prohibit the awarding of grants to municipalities in which  
21 the water supply or wastewater services are provided in whole  
22 or in part by an investor-owned water or wastewater  
23 enterprise.

24 (d) Review and approval of loan applications.--

25 (1) If an applicant is requesting financial assistance  
26 in the form of a loan, the authority, in conjunction with the  
27 Department of Environmental Protection, shall review the  
28 application to determine all of the following:

29 ~~(i) If the project is related to economic~~ ←  
30 ~~development.~~

1           ~~(ii)~~ (I) IF A FINANCIAL COMMITMENT EXISTS FOR ANY       <—  
2 COST OF THE PROJECT IN EXCESS OF THE AMOUNT REQUESTED.

3           ~~(III)~~ (II) If the source of the financial commitment       <—  
4 is from a responsible source.

5           ~~(iv)~~ (III) If the project user is firmly committed       <—  
6 to using the project upon completion.

7           ~~(v)~~ (IV) If the applicant has secured planning and       <—  
8 permit approvals for the project from the Department of  
9 Environmental Protection. THE PROJECT MUST BE GENERALLY       <—  
10 CONSISTENT WITH APPLICABLE MUNICIPAL PLANS UNDER THE  
11 PENNSYLVANIA SEWAGE FACILITIES ACT, AND COUNTY AND LOCAL  
12 COMPREHENSIVE PLANS.

13           ~~(vi)~~ (V) That the applicant did not receive a grant       <—  
14 or loan under section 1551 for the project.

15           ~~(vii)~~ (VI) If the applicant complied with all other       <—  
16 criteria established by the board.

17           (2) Upon being satisfied that all program requirements  
18 have been met, the board may approve the application in  
19 accordance with all of the following:

20           (i) The loan may not exceed \$5,000,000 per project.

21           (ii) Loans under this program shall not exceed  
22 \$10,000,000 in the aggregate per applicant.

23           (3) If the authority approves the application, the  
24 authority shall notify the department of the amount approved.

25           (E) REPORT TO GENERAL ASSEMBLY.--       <—

26           (1) THE AUTHORITY SHALL SUBMIT AN ANNUAL REPORT TO THE  
27 GENERAL ASSEMBLY NO LATER THAN SEPTEMBER 1 FOLLOWING THE  
28 FIRST FISCAL YEAR, OR ANY PORTION THEREOF, IN WHICH THE  
29 PROGRAM IS IN EFFECT, AND NO LATER THAN SEPTEMBER 1 FOR ALL  
30 SUCCEEDING FISCAL YEARS IN WHICH THE PROGRAM IS IN EFFECT.

1 THE REPORT SHALL INCLUDE A LIST OF ALL OF THE RECIPIENTS OF  
2 GRANTS AND LOANS AWARDED BY THE AUTHORITY IN THE PREVIOUS  
3 FISCAL YEAR, THE AMOUNT OF THE GRANTS OR LOANS AWARDED, A  
4 DESCRIPTION OF THE PROJECT AND THE PUBLIC PURPOSES THAT IT  
5 ADVANCES AND THE DOCUMENTATION SUBMITTED BY THE APPLICANT  
6 DEMONSTRATING THAT THE PROJECT MET AT LEAST ONE OF THE  
7 CRITERIA OF SUBSECTION (B)(7).

8 (2) THE AUTHORITY SHALL POST A COPY OF THE REPORT TO THE  
9 GENERAL ASSEMBLY ON THE WORLD WIDE WEB SITE OF THE DEPARTMENT  
10 OF COMMUNITY AND ECONOMIC DEVELOPMENT AND THE WORLD WIDE WEB  
11 SITE OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION. THE  
12 REPORTS SHALL REMAIN ON THE SITES UNTIL THE REPORTS FOR THE  
13 NEXT YEAR ARE POSTED.

14 Section 4 5. This act shall take effect immediately.

<—