

No. 1994-120

AN ACT

HB 2288

Establishing local development districts for the regional coordination and delivery of economic, infrastructure, planning, social and community development programs and other services in this Commonwealth.

TABLE OF CONTENTS

- Section 1. Short title.
- Section 2. Legislative findings and policy.
- Section 3. Definitions.
- Section 4. Certification.
- Section 5. Local development districts.
- Section 6. Powers and duties of local development districts.
- Section 7. Composition and powers of boards of directors.
- Section 8. Limitation on districts, functions, powers and duties.
- Section 9. Records.
- Section 10. Reporting requirements.
- Section 11. Rules and regulations.
- Section 12. Effective date.

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

Section 1. Short title.

This act shall be known and may be cited as the Local Development District Act.

Section 2. Legislative findings and policy.

(a) Findings.—The General Assembly finds as follows:

(1) That economic and community development are essential to the health, safety and welfare of all the citizens of this Commonwealth.

(2) That the declining manufacturing sector of our economy has had profound consequences for the labor force of this Commonwealth with higher than average unemployment and greater displacement of workers and loss of business and industry.

(3) That, since their establishment in the 1960's by the Commonwealth pursuant to the Appalachian Regional Development Act, local development districts have been striving to address a variety of problems in their areas. Local development districts have advocated intergovernmental coordination and joint actions between the public and private sectors in an effort to find solutions to problems. These efforts resulted in the establishment of local development district projects addressing such aspects as transportation,

health, housing, education, human resources, environmental and infrastructure needs. In the past decade, local development districts have concentrated on enterprise development activities focused on small and medium-sized manufacturers, capital formation efforts and the provision of technical assistance to business, local governments and other public and private agencies.

(b) Policy.—

(1) It is hereby declared to be the policy of the Commonwealth to promote the general welfare of its inhabitants through the Department of Commerce by certification of local development districts, which shall exist for the purpose of promoting economic development within their respective regions. Such purpose is hereby declared to be a public purpose for which public money may be spent.

(2) It shall be the policy of the Commonwealth for local development districts to continue in carrying out economic development programs, intergovernmental coordination and other activities as appropriate and necessary for their regions.

(3) It shall be the policy of the Commonwealth for local development districts to provide coordination to bring to bear human and financial resources to solve regional issues and problems. The districts shall provide expertise to secure Federal and State resources to improve regional economies. They shall continue to act as a partner with the Commonwealth in assisting its various departments in carrying out Commonwealth objectives and policies.

(4) It is also the policy of the Commonwealth not to duplicate or to mandate the delivery of technical and professional economic development services currently being provided by other economic development organizations throughout this Commonwealth.

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:

“Appalachian Regional Development Act.” The Appalachian Regional Development Act of 1965 (Public Law 89-4, 40 U.S.C. App. § 1 et seq.).

“Commission.” The Appalachian Regional Commission.

“Department.” The Department of Commerce of the Commonwealth.

“Economic development.” Services or activities intended to expand the economic base, create or retain jobs, sustain communities and community infrastructure or generally enhance the quality of life.

“Local development districts.” Multicounty economic and community development organizations established under this act to provide regional planning and development services to improve the economy and quality of life in their respective regions through a variety of activities, including, but not limited to, the fostering of public/private partnerships and providing assistance to businesses.

“Secretary.” The Secretary of Commerce of the Commonwealth.

Section 4. Certification.

(a) Standards.—The Governor shall have the power to certify local development districts in accordance with certification standards promulgated by the department. Such standards shall be consistent with the requirements of the Appalachian Regional Development Act.

(b) Existing districts.—Local development districts in existence and in receipt of funds from the department as of the effective date of this act are hereby deemed certified.

(c) Deemed certification.—The local development districts which are deemed certified are those established pursuant to the Appalachian Regional Development Act.

(d) Powers of secretary.—The secretary shall have the power to modify or revoke the certification of a local development district, consistent with the rules and regulations promulgated by the department.

Section 5. Local development districts.

There are hereby designated in this Commonwealth seven local development districts, which shall consist of the following geographical regions of this Commonwealth:

(1) Northwest region.—The counties of Clarion, Crawford, Erie, Forest, Lawrence, Mercer, Venango and Warren.

(2) Northcentral region.—The counties of Cameron, Clearfield, Elk, Jefferson, McKean and Potter.

(3) Northern Tier region.—The counties of Bradford, Sullivan, Susquehanna, Tioga and Wyoming.

(4) Northeast region.—The counties of Carbon, Lackawanna, Luzerne, Monroe, Pike, Schuylkill and Wayne.

(5) Southern Alleghenies region.—The counties of Bedford, Blair, Cambria, Fulton, Huntingdon and Somerset.

(6) Central region.—The counties of Centre, Clinton, Columbia, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder and Union.

(7) Southwest region.—The counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland.

Section 6. Powers and duties of local development districts.

(a) Research and coordination.—Each local development district may conduct necessary research and studies and coordinate and cooperate with all appropriate groups and agencies in order to develop a long-range economic development strategy for the district. The strategy should establish goals and objectives, identify key challenges facing the district, provide needed services to businesses to enhance economic development in their respective geographical areas and establish actions and investments needed to cope with those challenges.

(b) Development activities.—Each local development district shall conduct enterprise development activities, which shall be broadly interpreted to include, but not necessarily be limited to:

- (1) Business finance assistance.
- (2) Capital formation.
- (3) Market development.
- (4) Export marketing assistance.
- (5) Government procurement assistance.
- (6) Matchmaker (MNET)/import substitution programs.

(c) Loan programs.—Local development districts shall have the authority to administer loan programs and to extend loans for economic development to private firms, nonprofit organizations and public agencies subject to the provisions of all applicable laws and regulations.

(d) Agency coordination.—Local development districts shall encourage intergovernmental coordination as well as public and private cooperation, aiming to achieve broad and varied perspectives to enhance problem resolution.

(e) Related activities.—Each local development district may also conduct other development activities, which may include, but need not be limited to, the following:

- (1) Community development.
- (2) Housing.
- (3) Energy conservation.
- (4) Water and sewer.
- (5) Waste disposal.
- (6) Transportation.
- (7) Recreation.
- (8) Tourism.
- (9) Education and training.
- (10) Local government improvement.
- (11) Environment.
- (12) Health and human resources.
- (13) Any other element appropriate and necessary for the health, safety and welfare of the citizens in the respective districts.

(f) Additional powers and duties.—Each local development district shall also have the power and authority to:

(1) Provide, upon request, basic administrative, research and planning services for any public agency or local political subdivision located within the district.

(2) Accept, receive and administer loans, contracts, grants or other funds or gifts from public and private agencies, including the Federal Government and the Commonwealth for the purpose of carrying out the functions of the district.

(3) Provide assistance to communities, the private sector, public and private partnerships or wherever special expertise is needed to achieve some worthwhile public objective.

(4) Offer training and education opportunities.

(5) Acquire, hold as may be necessary and convenient, encumber or dispose of real and personal property, except that no local development district shall have the power of eminent domain.

(6) Charge fees, rents and otherwise charge for services provided by the local development district, except that no local development district shall have any power to levy taxes.

(7) Enter into interlocal agreements or interstate compacts to the extent authorized by laws of this Commonwealth.

(8) Promote the orderly growth, development and redevelopment of the district in accordance with long-term objectives, principles and standards that are in the best interests of the welfare of this district's residents.

(9) Promote the conservation of land, water and air in the district.

(10) Act as the regional clearinghouse for data and information.

Section 7. Composition and powers of boards of directors.

(a) Establishment.—There shall be established in each local development district a board of directors. Members of each board shall be representative of the district it serves.

(b) Bylaws.—The boards shall adopt bylaws and articles of agreement and make rules and regulations for the conduct of its business.

Section 8. Limitation on districts, functions, powers and duties.

Nothing in this act shall be deemed to limit or authorize the limitation in any manner of the functions, powers or duties of any department or agency of the Commonwealth or of any political subdivision.

Section 9. Records.

A local development district shall permit authorized employees or agents of the department or the Commonwealth to inspect the local development district's books and records during regular business hours, upon the reasonable request of the department or the Commonwealth.

Section 10. Reporting requirements.

A local development district shall be required to annually submit to the department the following:

(1) The local development district's current mailing address and telephone number.

(2) A copy of the local development district's articles of incorporation and bylaws if amended during the previous year.

(3) A list of the local development district's officers and directors.

(4) Such financial information as the department may require.

Section 11. Rules and regulations.

The department may promulgate rules and regulations to carry out the purposes of this act.

Section 12. Effective date.

This act shall take effect immediately.

APPROVED—The 7th day of December, A.D. 1994.

ROBERT P. CASEY