

No. 1989-51

## AN ACT

## HB 1700

Amending the act of May 6, 1968 (P.L.117, No.61), entitled, as amended, "An act providing for grants to be made by the Commonwealth for the construction, rehabilitation, alteration, expansion, or improvement of certain site development facilities and assistance in the acquisition of land located in designated impoverished urban areas; imposing duties and powers on the Secretary of Commerce and the Department of Commerce; and making an appropriation," providing for grants to be made for industrial site development projects.

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

Section 1. The title and sections 2 and 3(5) of the act of May 6, 1968 (P.L.117, No.61), known as the Site Development Act, amended or added June 18, 1968 (P.L.212, No.98), are amended to read:

## AN ACT

Providing for grants to be made by the Commonwealth for the construction, rehabilitation, alteration, expansion, or improvement of certain site development facilities and assistance in the acquisition of land located in **[designated impoverished urban] distressed** areas; **providing for grants to be made for industrial site development projects**; imposing duties and powers on the Secretary of Commerce and the Department of Commerce; and making an appropriation.

Section 2. Definitions.—As used in this act:

(1) "Municipality" means any city, borough, town or township of the Commonwealth of Pennsylvania.

(2) "Municipality authority" means an authority created by a municipality, pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945."

(3) "Industrial development agency" means a nonprofit corporation or a foundation or association organized and existing under the laws of this Commonwealth, regardless of the particular name, to whose members or shareholders no profit shall enure and which shall have as a purpose the promotion, encouragement, construction, development and expansion of new or existing industrial development projects.

(4) "State agency" means any agency or department of the executive branch of government of the Commonwealth of Pennsylvania.

(5) "Department" means the Department of Commerce of the Commonwealth of Pennsylvania.

(6) "Secretary" means the Secretary of Commerce of the Commonwealth of Pennsylvania.

(7) "Project [costs]" costs," as used in section 4 only, include the cost of design and engineering, together with such other expenses as may be necessary or incident to the construction of the site development project and the placing of the same in operation, and, in the case of a site development project under clause (5) of section 3 of this act, the cost of acquisition.

(8) "Redevelopment authority" means an authority created pursuant to the act of May 24, 1945 (P.L.991, No.385) known as the "Urban Redevelopment Law."

Section 3. Grants for Site Development Projects.—The secretary is hereby authorized, upon application of any eligible municipality, municipal authority, industrial development agency, or State agency, to make grants to said municipality, municipal authority, industrial development agency, or State agency for the construction, rehabilitation, alteration, expansion, or improvement of the following site development projects:

\* \* \*

(5) The acquisition of land and existing improvements located in [impoverished urban] distressed areas as [certified] designated by the [Secretary of Public Welfare] secretary.

Section 2. The act is amended by adding a section to read:

*Section 4.1. Grants for Industrial Site Development Projects.—*

(a) *Grants.—The secretary is hereby authorized, upon application by an eligible municipality, county, municipal authority, industrial development agency or redevelopment authority, to make grants to said municipality, county, municipal authority, industrial development agency or redevelopment authority for eligible industrial site development projects.*

(b) *Eligible industrial site development projects.—To be eligible for grant funds under this section, a project must meet the following criteria, to the satisfaction of the department:*

(1) *Create opportunities to develop new facilities or to expand existing facilities for manufacturing, industrial research and development, and other industrial operations that produce goods, as determined by the department;*

(2) *Eliminate, reduce or otherwise alleviate blight at an industrial site; and*

(3) *Have potential for job creation.*

(c) *Eligible project costs.—Grant funds awarded under this section may be used for one or more of the following purposes:*

(1) *to acquire land and buildings;*

(2) *to demolish and clear buildings and other structures;*

(3) *to construct new or reconstruct existing public or private infrastructure, including utilities;*

(4) *to clean up hazardous waste and materials;*

(5) *to excavate, grade and otherwise prepare industrial sites; or*

(6) *to pay engineering, design and inspection costs associated with other eligible costs.*

(d) *Maximum grant amount.—The maximum amount of grant funds awarded under this section to any one project in any fiscal year shall not exceed \$1,500,000.*

*(e) Expiration of approval authority.—No grants may be approved under this section after June 30, 1991.*

Section 3. Section 5 of the act is amended to read:

Section 5. Departmental Regulations.—*(a) Rules and forms.*—The secretary is hereby authorized to promulgate necessary rules **[and]**, regulations, *guidelines, statements of policy and forms*, and prescribe conditions and procedures to effectuate the grant **[program] programs** authorized herein in order to assure compliance with the stated policy and objectives of this act.

*(b) Limitation.*—In the administration of this program no grant *authorized by section 3* shall be made in connection with any project unless it is determined that the project:

- (1) Will aid directly in the industrial development or travel development of the community;
- (2) Is directly related to an industrial or travel development site;
- (3) Is not inconsistent with an existing development plan for the municipality;
- (4) Could not otherwise be financed;
- (5) Will strengthen the income-producing capability of the municipality~~],~~; and
- (6) Is necessary to orderly community development.

Section 4. This act shall take effect immediately.

APPROVED—The 10th day of July, A. D. 1989.

ROBERT P. CASEY