

No. 1987-51

AN ACT

HB 1290

Amending the act of July 11, 1985 (P.L.209, No.54), entitled "An act authorizing the incurring of debt for the purpose of financing the Federal share of construction of interstate highways," increasing the debt authorization and appropriation; and further providing for the power to incur debt.

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

Section 1. Section 1 of the act of July 11, 1985 (P.L.209, No.54), entitled "An act authorizing the incurring of debt for the purpose of financing the Federal share of construction of interstate highways," amended July 9, 1986 (P.L.1211, No.106), is amended to read:

Section 1. Authorization to borrow funds for interstate highway system.

(a) Debt authorization.—The Governor, Auditor General and State Treasurer are hereby authorized and directed to borrow, from time to time, in addition to any authorization heretofore or hereafter enacted, on the credit of the Commonwealth, money not exceeding in the aggregate the sum of [~~\$350,000,000~~] *\$421,000,000*, as may be found necessary to finance the Federal share of construction of interstate highway system projects as heretofore specifically itemized in a capital budget. Notes or replacement notes shall be evidenced by one or more series of obligations of the Commonwealth and may not exceed [~~three~~] *five* years from the date of the obligation first issued to evidence the debt.

(b) Appropriation.—The net proceeds of the sale of the obligations authorized in subsection (a) are hereby appropriated from the Capital Facilities Fund to the Department of Transportation to be used by it exclusively to defray the Federal share of the costs of construction of interstate highway system projects as heretofore specifically itemized in a capital budget. After reserving or paying the expenses of the sale of the obligations, the State Treasurer shall pay out to the Department of Transportation the moneys as required and certified by it to be legally due and payable.

(c) Federal funding.—The Secretary of Transportation shall certify that the projects are eligible for funding under 23 U.S.C. § 115(6) (relating to construction by states in advance of apportionment). Such Federal funds as are necessary to repay the costs incurred in borrowing the Federal share of the projects are hereby appropriated. Federal funds received under 23 U.S.C. § 115(6) are to be used exclusively for this program.

(d) Authority to incur debt.—

(1) In addition to the authority granted in the Capital Budget Act of 1985-1986, and subject to the provisions and definitions of Article XVI-B of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, the principal amount of additional debt to be incurred during the 1985-

1986 fiscal year in the category of highway projects for capital projects heretofore specifically itemized in a capital budget pursuant to section 7(a)(4) of Article VIII of the Constitution of Pennsylvania and to be repaid from the Motor License Fund should be \$29,500,000.

(2) Subject to the overall debt limitation in subsection (a), the annual amount of debt authorization for each of the fiscal years 1986-1987, 1987-1988 **[and]**, 1988-1989 *and* 1989-1990 shall be fixed in the Capital Budget Act enacted for the specific fiscal year. The annual amount of authority to incur debt shall be fixed in legislation which specifically itemizes the construction of interstate highway system projects in a capital budget pursuant to section 7(a)(4) of Article VIII of the Constitution of Pennsylvania and specifically requires repayment from the Motor License Fund.

(e) Appropriation from the Motor License Fund.—Funds are hereby appropriated from the Motor License Fund to meet the requirements of this act. The Governor shall issue executive authorizations as required to pay project, principal and interest costs.

Section 2. This act shall take effect immediately.

APPROVED—The 10th day of July, A. D. 1987.

ROBERT P. CASEY