

## No. 2001-111

## AN ACT

## SB 1180

Amending the act of December 14, 1992 (P.L.818, No.133), entitled "An act establishing the Port of Pittsburgh Commission; providing for its powers and duties; and making a repeal," further defining "port district"; and further providing for economic development projects.

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

Section 1. The definition of "port district" in section 2 of the act of December 14, 1992 (P.L.818, No.133), known as the Port of Pittsburgh Commission Act, is amended to read:

Section 2. 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:

\* \* \*

"Port district." The combined geographical territory of the Counties of Allegheny, Armstrong, Beaver, Butler, Clarion, Fayette, Greene, *Indiana*, Lawrence, Washington and Westmoreland.

\* \* \*

Section 2. Section 5.1 of the act, added December 20, 2000 (P.L.988, No.140), is amended to read:

Section 5.1. Economic development projects.

[When the commission undertakes the development of a port facility, port-related project or recreation project and the commission agrees to lease, lease with option or contract to purchase, sell or otherwise make available to a third party the port facility, port-related project or recreation project, the third party shall pay the commission an amount that is sufficient to pay all of the principal and interest on any bonds, notes or other evidence of indebtedness issued by the commission to finance the port facility, port-related project or recreation project, an amount which the board finds to be reasonable in light of the economic benefits that will result from the project or an amount which is reasonable and proper under the circumstances. Bonds, notes or other evidence of indebtedness issued by the commission with respect to a port facility, port-related project or recreation project under this section shall be limited obligations of the commission payable solely out of any revenues received by the commission with respect to the port facility, port-related project or recreation project, including, but not limited to, the payments received from the third party under this section, and the interest of the commission in the port facility, port-related project or recreation project, if any. The provisions of sections

5(b)(23), 7(c) and 11(a) shall not apply to a port facility, port-related project or recreation project developed under this section.]

*(a) Payments.—When a person other than a Commonwealth agency, as that term is defined in 62 Pa.C.S. § 103 (relating to definitions), requests the commission to acquire, lease, construct, renovate and/or equip an economic development project and to lease, sublease, sell or otherwise make available the economic development project to the person, the person shall pay the commission pursuant to the lease, sublease, contract of sale or disposition or similar agreement an amount which meets any one of the following criteria:*

*(1) An amount which is sufficient to pay all the principal and interest on any bonds, notes or other evidences of indebtedness issued by the commission to finance the economic development project.*

*(2) An amount which the commission finds to be reasonable in light of the economic benefits that will result from the economic development project.*

*(3) An amount which is reasonable and proper under the circumstances.*

*(b) Commission obligation.—A bond, note or other evidence of indebtedness issued by the commission with respect to an economic development project undertaken in accordance with subsection (a) shall not be a general obligation of the commission but rather shall be a limited obligation of the commission payable solely out of any of the following:*

*(1) Any revenues received by the commission with respect to the economic development project, including, but not limited to, the payments received from the person under this section, and any right, title and interest of the commission in the economic development project.*

*(2) Any reserve fund established by the commission specifically for such projects.*

*(c) Commonwealth obligation.—The Commonwealth shall have no obligation with respect to a bond, note or other evidence of indebtedness issued by the commission, or to any other obligations of the commission, arising out of or related to an economic development project undertaken in accordance with subsection (a).*

*(d) Construction.—The provisions of sections 5(b)(23), 7(c) and 11(a) shall not apply to an economic development project undertaken in accordance with subsection (a). For the purposes of this section, an economic development project shall mean a port facility or port-related project and shall also mean a recreation project developed upon the lands bordering or in close proximity to the waters or on the waters of the inland waterway system of the Port of Pittsburgh.*

**Section 3. This act shall take effect immediately.**

**APPROVED—The 17th day of December, A.D. 2001.**

**MARK S. SCHWEIKER**