

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1210 Session of 2013

INTRODUCED BY PILEGGI, RAFFERTY, ERICKSON, BROWNE, WOZNIAK, GREENLEAF, FERLO, YUDICHAK, BRUBAKER, SCHWANK, SMITH AND BREWSTER, DECEMBER 9, 2013

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, SEPTEMBER 15, 2014

AN ACT

1 Amending the act of December 8, 2004 (P.L.1801, No.238),
2 entitled "An act empowering municipalities, counties and
3 public transportation agencies to work cooperatively to
4 establish Transit Revitalization Investment Districts (TRID),
5 including partnerships with the National Railroad Passenger
6 Corporation requiring planning studies, comprehensive plan
7 and zoning amendments and use of existing statutes and
8 techniques to achieve transit-oriented development,
9 redevelopment, community revitalization and enhanced
10 community character through TRID creation; establishing value
11 capture areas as a means to reserve and use future,
12 designated incremental tax revenues for public transportation
13 capital improvements, related site development improvements
14 and maintenance; promoting the involvement of and
15 partnerships with the private sector in TRID development and
16 implementation; encouraging public involvement during TRID
17 planning and implementation; and providing for duties of the
18 Department of Community and Economic Development," in general
19 provisions, further providing for definitions; in TRID
20 creation and location, further providing for criteria for
21 proposed TRID, for TRID designation, for implementing
22 authority, for TRID planning study factors, for roles and
23 responsibilities of public transportation agencies and
24 municipalities and for amendments to TRID planning study; in
25 land development powers of public transportation agencies,
26 further providing for development or redevelopment of
27 property; in value capture approaches, further providing for
28 creation of value capture area and for dedication of tax
29 revenues; providing for capture of TRID tax revenue; and, in
30 community involvement, further providing for public meeting
31 to explain TRID and alternative implementation approaches.

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

3 Section 1. Section 103 of the act of December 8, 2004
4 (P.L.1801, No.238), known as the Transit Revitalization
5 Investment District Act, is amended by adding a definition to
6 read:

7 Section 103. Definitions.

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

11 * * *

12 "Management entity." Any of the following:

13 (1) A participating municipality or transit agency.

14 (2) A redevelopment authority, municipal authority,
15 neighborhood improvement district, business improvement
16 district or a similar governmental or nonprofit organization
17 authorized to act in a manner consistent with the TRID
18 planning study and with a services area compatible with the
19 TRID.

20 * * *

21 Section 2. Sections 301, 302, 303, 304, 305, 306, 502, 701
22 and 702 of the act are amended to read:

23 Section 301. Criteria for proposed TRID.

24 Local municipalities, counties, transportation authorities
25 and public transportation agencies proposing to define and
26 develop a TRID shall use the following criteria and process:

27 (1) Eligible TRID locations may include any geographic
28 area of a municipality or municipalities, including vacant,
29 underutilized or potentially redevelopable land, within an
30 area generally formed by a minimum radius of one-eighth mile

1 and not to exceed a radius of one-half mile from a railroad,
2 transit, light rail, busway or similar transit stop or
3 station, measured from the centerline of the track or roadway
4 traversing the station or stop location. TRID designation may
5 also include new station locations proposed in conjunction
6 with a planned public transportation service, as defined on
7 an adopted county, regional or public transportation agency
8 plan.

9 [(2) The specific boundaries of a TRID may be expanded
10 or reduced based on local circumstances such as local
11 economic development and planning goals, community character,
12 property boundary and scale variations but only when:

13 (i) authorized by the governing body or bodies of
14 the affected jurisdiction or jurisdictions in cooperation
15 with the pertinent public transportation agency; and

16 (ii) the rationale for the boundaries is supported
17 by the findings of the required TRID planning study.]

18 (3) A local municipality or municipalities shall
19 [further] define and support the rationale for the TRID
20 designation through a TRID planning study as well as
21 appropriate amendments to the municipal comprehensive plan,
22 zoning ordinance and other pertinent regulations.

23 (4) A local municipality may designate the county
24 planning agency to undertake or assist the TRID planning
25 study on its behalf.

26 (5) An existing neighborhood improvement district, tax
27 increment district or urban renewal area may be used as the
28 basis for the boundaries of a TRID when justified by the TRID
29 planning study required in section 304.

30 Section 302. TRID designation.

1 (a) Designation.--Local municipalities and counties working
2 with public transportation agencies, transportation authorities,
3 AMTRAK, passenger rail transportation providers or any
4 combination thereof may designate TRIDs in advance of
5 implementation of a new public transit service or in conjunction
6 with an existing public transportation service and in advance of
7 or in conjunction with actual development proposals. A TRID and
8 its boundaries shall be established by ordinance.

9 (b) Agreement.--To create a TRID, in addition to the
10 planning study described in section 301(3), the municipality or
11 municipalities shall enter into an agreement with the transit
12 agency that approves the TRID planning study under section
13 301(3) and defines the activities [and], commitments and
14 administrative and management roles of each party to the TRID,
15 including any specific actions or financial participation to
16 help implement the TRID. The agreement shall include the
17 development agreement specified in section 504 as well as a
18 description of the TRID management entity described in section
19 [502(4)] 303.

20 Section 303. [Implementing authority] Management entity.

21 [A participating county, local municipality, transportation
22 authority and public transportation agency may designate on
23 their behalf the county redevelopment authority to assume
24 responsibility for TRID implementation.] The participating local
25 municipality or county and the transit agency shall designate
26 the management entity in the TRID agreement to administer,
27 manage and facilitate the implementation of the TRID planning
28 study.

29 Section 304. TRID planning study factors.

30 The scope and scale of transit improvements and community

1 facility improvements, as well as any needed support facilities,
2 shall be assessed in the TRID planning study. The TRID planning
3 study shall also serve as the basis for a comprehensive plan
4 amendment to establish the TRID if the municipality has a
5 currently adopted comprehensive plan. The following shall apply:

6 (1) The planning study shall consider the need for
7 capital improvements to transit-related facilities and
8 adjacent public infrastructure, including roads, sidewalks
9 and water, sewer and storm drainage service and public
10 facilities, as well as opportunities for private sector real
11 estate development and ways in which such facilities,
12 services and development can be financed.

13 (2) Municipalities and counties undertaking a TRID
14 planning study shall receive priority consideration for
15 planning [and implementation] grants and technical assistance
16 from the department[, working in partnership with the
17 pertinent county planning agency or agencies and other State
18 agencies with grant or loan programs that may be applicable
19 to TRID planning or implementations]. Any funding
20 [appropriated to the Department of Community and Economic
21 Development for the purpose of carrying out this act is
22 intended to assist counties and local governments on a 25%
23 matching basis to undertake TRID planning studies and related
24 implementation activities. Individual grants for a TRID
25 planning study or implementation project shall not exceed
26 \$75,000. The department in consultation with the Department
27 of Transportation shall administer the supplemental TRID
28 program through the existing land use planning and technical
29 assistance program, with application guidance as necessary.]
30 utilized by the department to assist with TRID planning

1 studies, except where otherwise limited by law, shall be
2 awarded on a 25% matching basis.

3 (3) Commonwealth agencies are directed to provide State
4 resources, programs and new capital investments that will
5 assist local governments, transportation authorities and
6 transit agencies to implement TRIDS.

7 Section 305. Roles and responsibilities of public
8 transportation agencies and municipalities.

9 As guidelines to implement the findings and recommendation of
10 the TRID planning study, the following roles and
11 responsibilities are defined:

12 (1) The scope and scale of needed or proposed transit
13 capital improvements within the TRID area are the
14 responsibility of the partnering public transportation
15 agency. The cost, financing, phasing and schedule of all
16 transit-related improvements shall be included in the public
17 transportation agency's adopted capital program.

18 (2) The scope and scale of needed or proposed support
19 facilities, highway accessways and community or neighborhood
20 facility improvements, for example, sidewalks and recreation
21 facilities, are the responsibility of the partnering county
22 and local jurisdiction or jurisdictions and may include
23 support from the private sector.

24 [(3) Notwithstanding these stated roles and
25 responsibilities, the parties to a TRID shall be responsible
26 for defining the administrative and management roles and
27 responsibilities that will be most appropriate to achieve
28 implementation of the TRID in their community.]

29 Section 306. Amendments [to TRID planning study].

30 [Proposed real estate development or redevelopment may

1 trigger additional needs for transit improvements and community
2 facility improvements or support facilities and shall be
3 accommodated through pertinent amendments of the TRID planning
4 study and county, multimunicipal or local municipal
5 comprehensive plan.] If warranted by a changing economic or
6 community condition, planning goal, real estate development,
7 redevelopment opportunity or a demonstrated need for transit or
8 community facility improvement, a TRID or TRID planning study
9 may be amended. The following shall apply:

10 (1) The boundaries of a TRID may be expanded or reduced
11 by an amendment to the ordinance establishing the TRID and
12 shall be accompanied by justification for the boundary change
13 supported by findings in the original or amended TRID
14 planning study.

15 (2) A TRID planning study may be amended by approval of
16 the municipality, municipalities or counties and the transit
17 agency that are parties to the TRID designation pursuant to
18 section 302.

19 Section 502. Development or redevelopment of property.

20 Development or redevelopment of property within a TRID shall
21 generally occur in the following manner:

22 (1) The public transportation agency may acquire the
23 property, improve it for future development, such as site
24 clearance, utility work, environmental remediation and
25 similar improvements, and work cooperatively with the
26 pertinent local jurisdiction or jurisdictions and
27 implementing agencies to offer it for sale to the private
28 sector for use or uses consistent with the adopted TRID plan.

29 (2) Alternatively, the public transportation agency may
30 advertise the presence of available development sites within

1 a TRID, including a map of potentially developable or
2 redevelopable properties, and invite interested developers to
3 submit proposals in cooperation with the pertinent local
4 jurisdiction or jurisdictions and implementing agencies.

5 (3) In the case of either paragraph (1) or (2), the
6 public transportation agency may not be the primary real
7 estate developer, and joint development activities are
8 confined to the construction of support and access
9 facilities: that is, vehicular access, parking, pedestrian
10 ways, building pads, foundation columns, signage and similar
11 items.

12 [(4) The partnering TRID local municipality or
13 municipalities shall designate a management entity for the
14 TRID which may be a municipal authority or joint municipal
15 authority, in accordance with the requirements of 53 Pa.C.S.
16 Ch. 56 (relating to municipal authorities) to manage and
17 facilitate TRID implementation. The local municipality or
18 municipalities involved in the TRID shall retain policy and
19 oversight responsibilities for all budgetary and programmatic
20 actions of the designated TRID management entity.]

21 (5) Creative partnerships with AMTRAK, passenger rail
22 transportation providers, transportation authorities and the
23 private sector to accomplish TRID purposes that use the
24 benefits of AMTRAK's and passenger rail service providers'
25 existing real estate development powers are both desirable
26 and encouraged.

27 [(6) Neighborhood improvement districts, business
28 improvement districts or similar entities may be designated
29 to manage the TRID implementation activities.]

30 Section 701. Creation of value capture area.

1 In conjunction with the formal establishment of the TRID
2 boundaries, a coterminous value capture area shall
3 simultaneously be created to enable local municipalities, school
4 districts, the county and the public transportation agency to
5 share the increased tax increment of real estate and other
6 designated tax revenues generated by new real estate investment
7 within the TRID. The participants in the TRID, through the
8 designated management entity, shall develop an administrative
9 and project schedule and budget to implement the project,
10 including future maintenance needs, as defined in the TRID
11 planning study, as well as the shares and use of [such tax] the
12 incremental revenues as are projected to be generated from the
13 TRID value capture area. The participating municipality or
14 municipalities may review and revise the TRID budget.

15 Section 702. Dedication of tax revenues.

16 [Tax] A portion of incremental tax revenues generated within
17 a TRID shall be dedicated to completion and future maintenance
18 of the specific and necessary transit capital and public
19 infrastructure improvements designated in the comprehensive plan
20 amendment and TRID planning study as follows:

21 (1) Local [municipalities and counties shall not use
22 such revenues for general government purposes, and a public
23 transportation agency shall not use such revenues for transit
24 capital investments elsewhere on the public transportation
25 system.] taxing bodies shall approve that portion of revenues
26 which shall be dedicated to support TRID implementation and
27 that portion which shall be dedicated for general government
28 purposes.

29 (1.1) A public transportation agency may not use the
30 revenue for a transit capital investment outside of a

1 designated TRID except if the investment is necessary and
2 integral to achieve an approved TRID implementation
3 objective.

4 (2) Local municipalities, school districts and the
5 county shall establish an amortization schedule for receipt,
6 investment and expenditure of any TRID tax incremental
7 revenues[, not to exceed 20 years,] similar to the
8 amortization schedule in the act of July 11, 1990 (P.L.465,
9 No.113), known as the Tax Increment Financing Act. [However,
10 where a municipal or joint municipal authority has been
11 created, it shall be responsible for fixing the amortization
12 schedule and for defining the TRID capital improvement plan.]
13 Incremental tax revenue generated by a TRID property may be
14 directed for use in TRID projects for up to 20 years from the
15 date a property is designated as a TRID.

16 Section 3. The act is amended by adding a chapter to read:

17 CHAPTER 8

18 CAPTURE OF TRID TAX REVENUE

19 Section 801. Definitions.

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

23 "Baseline year." The calendar year the department approved
24 the TRID as a recipient of tax revenue generated within the
25 TRID.

26 "Bond." The term includes a note, instrument, refunding note
27 or other evidence of indebtedness or obligation.

28 "Department." The Department of Revenue of the Commonwealth.

29 "Eligible project." Development or improvement within a
30 TRID, including construction, infrastructure and site

1 preparation, reconstruction or renovation of a facility within a
2 TRID which will result in economic development or transit-
3 oriented development in accordance with the TRID and the TRID
4 planning study.

5 "Eligible tax." As follows:

6 (1) Any of the following taxes if generated within an
7 area of not more than 100 acres, comprised of parcels
8 designated by the management entity:

9 (i) Corporate net income tax, capital stock and
10 franchise tax or bank shares tax, calculated and
11 apportioned as to amount attributable to the location
12 within the TRID and calculated under section 1904-B(b)
13 and (c) of the act of March 4, 1971 (P.L.6, No.2), known
14 as the Tax Reform Code of 1971.

15 (ii) Sales and use tax, only to the extent the tax
16 is related to the activity of a qualified business within
17 the TRID.

18 (iii) Personal income tax withheld from its
19 employees by a qualified business for work performed in
20 the TRID.

21 (iv) Tax paid to the Commonwealth on the sale of
22 liquor, wine or malt or brewed beverages in the TRID.

23 (2) The term does not include cigarette tax.

24 "Qualified business." As follows:

25 (1) An entity located or partially located in a TRID
26 which meets the requirements of all of the following:

27 (i) Has conducted an active trade or business in the
28 TRID.

29 (ii) Appears on the timely filed list under section
30 805(a).

1 (2) A construction contractor engaged in construction,
2 including infrastructure or site preparation, reconstruction
3 or renovation of a facility located in or partially in the
4 TRID.

5 (3) The term does not include an agent, broker or
6 representative of a business.

7 "TRID fund." A TRID fund established under section 806.
8 Section 802. Approval.

9 (a) Submission.--A management entity may apply to the
10 Department of Community and Economic Development to establish a
11 TRID fund for the purposes of funding an eligible project or for
12 covering debt service payments related to debt incurred to fund
13 an eligible project.

14 (b) Agencies.--The Department of Community and Economic
15 Development and the department must approve each application-, <--
16 PROVIDED THAT THE DEPARTMENT OF COMMUNITY AND ECONOMIC
17 DEVELOPMENT SHALL ONLY HAVE THE AUTHORITY TO APPROVE TWO
18 APPLICATIONS UNDER THE PROVISIONS OF THIS CHAPTER.

19 (c) Approval schedule.--The Department of Community and
20 Economic Development shall develop a schedule for the approval
21 of applications provided that an application under this section
22 shall be approved or disapproved within 90 days of the postmark
23 date of the submission. An application which is not disapproved
24 within the time period under this subsection shall be deemed to
25 be approved.

26 (d) Reapplication.--If an application is not approved under
27 this section, the applicant may revise the application and plan
28 and reapply for approval.

29 Section 803. Additional powers of management entities.

30 In addition to other powers and functions of management

1 entities granted under this act, a management entity shall have
2 the power to borrow money for the purposes of executing a TRID
3 or TRID planning study for which a TRID fund has been approved
4 under section 802.

5 Section 804. Prohibition on management entities.

6 A member of the management entity may not receive money
7 directly or indirectly from the TRID fund.

8 Section 805. Qualified businesses.

9 (a) List.--By June 1 following the end of the baseline year,
10 and for every year thereafter, each management entity shall file
11 with the department a complete list of all businesses located in
12 the TRID and all construction contractors engaged in
13 construction, reconstruction or renovation of a facility in the
14 TRID in the prior calendar year. The list shall include for each
15 business address, State tax identification number and parcel
16 number and a map of the TRID with parcel numbers.

17 (b) Time.--If the list under subsection (a) is not timely
18 provided to the department, no eligible State tax shall be
19 certified by the department for the prior calendar year.

20 Section 806. Funds.

21 (a) Notice.--Following the approval of an application under
22 section 802, the management entity shall notify the State
23 Treasurer.

24 (b) Establishment.--Upon receipt of notice under subsection
25 (a), the State Treasurer shall establish for each TRID a special
26 fund for the benefit of the management entity to be known as the
27 TRID Fund. Interest income derived from investment of money in a
28 fund shall be credited by the State Treasury to the fund.

29 Section 807. Reports.

30 (a) TRID report.--By June 15 following the baseline year and

1 each year thereafter, each qualified business shall file a
2 report with the department in a form or manner required by the
3 department which includes all of the following:

4 (1) Amount of each eligible tax which was paid to the
5 Commonwealth by the qualified business in the prior calendar
6 year.

7 (2) Amount of each eligible tax refund received from the
8 Commonwealth in the prior calendar year by the qualified
9 business.

10 (b) Penalties.--

11 (1) Failure to file a timely and complete report under
12 subsection (a) may result in the imposition of a penalty of
13 the lesser of:

14 (i) ten percent of all eligible tax due the taxing
15 authority in the prior calendar year; or

16 (ii) one thousand dollars.

17 (2) A penalty for a violation of subsection (a) shall be
18 imposed, assessed and collected by the department under
19 procedures set forth in Article II of the act of March 4,
20 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.
21 Money collected under this paragraph shall be deposited in
22 the General Fund.

23 Section 808. Calculation of baseline.

24 (a) Baseline tax.--By October 15 following the end of the
25 baseline year and for each year thereafter, the department shall
26 verify the State baseline tax amount which consists of 75% of
27 the following:

28 (1) For qualified businesses that file timely TRID
29 reports under section 807, the amount of eligible State tax
30 paid, less eligible State tax refunds.

1 (2) For qualified businesses not included under
2 paragraph (1) but located or partially located in the TRID as
3 determined by the department or included in the information
4 received by the department under section 807(a), the amount
5 of eligible State tax paid, less eligible State tax refunds.

6 (b) Moves and noninclusions.--

7 (1) This subsection applies to a qualified business
8 that:

9 (i) moves into a zone from within this Commonwealth
10 after the baseline year; or

11 (ii) is in a zone but not included in the
12 calculation of the State baseline tax under subsection

13 (a).

14 (2) A qualified business subject to paragraph (1) shall
15 file a TRID report under section 807 following the end of the
16 first full calendar year in which the qualified business
17 conducted business in the TRID and each calendar year
18 thereafter. The amount of eligible State tax verified by the
19 department for the qualified business for the prior calendar
20 year shall be added to the State baseline tax amount for the
21 zone for the prior calendar year and each year thereafter.

22 (3) The calculation under this section may not include
23 the eligible taxes of a qualifying business moving into the
24 TRID from outside this Commonwealth.

25 Section 809. Certification.

26 (a) Amounts.--By the October 15 following the baseline year,
27 and each year thereafter, the department shall do all of the
28 following for the prior calendar year:

29 (1) Make the following calculation for qualified
30 businesses which file TRID reports under section 807(a),

1 separately for each TRID:

2 (i) Subtract:

3 (A) the amount of eligible State tax refunds
4 received; from

5 (B) the amount of eligible State tax paid.

6 (ii) Subtract:

7 (A) the State tax baseline amount for the zone;
8 from

9 (B) the difference under subparagraph (i).

10 (2) Certify to the Office of the Budget the difference
11 under paragraph (1)(ii).

12 (b) Content.--

13 (1) The certification may include the following:

14 (i) Adjustment made to timely filed TRID reports by
15 the department for eligible State tax actually paid by a
16 qualified business in the prior calendar year.

17 (ii) Eligible State tax refunds paid to a qualified
18 business in the TRID in a prior calendar year.

19 (iii) State tax penalties paid by a qualified
20 business in the prior year under section 807(b).

21 (2) The certification shall not include the following:

22 (i) Tax paid by a qualified business that did not
23 file a timely TRID report under section 807(a).

24 (ii) Tax paid by a qualified business whose tax was
25 not included in the State tax baseline amount calculation
26 under section 808.

27 (iii) Tax paid by a qualifying business not
28 appearing on a timely filed list under section 805(a).

29 Section 810. Transfers.

30 (a) Office.--Within ten days of receiving the certification

1 from the department under section 809, the Office of the Budget
2 shall direct the State Treasurer to transfer the amount of
3 certified eligible TRID tax NOT TO EXCEED \$350,000 PER ANNUM <--
4 from the General Fund to each TRID fund.

5 (b) State Treasurer.--Within ten days of receiving direction
6 under subsection (a), the State Treasurer shall pay into the
7 TRID fund the amount directed under subsection (a) until bonds
8 issued to finance the construction, including related
9 infrastructure and site preparation, reconstruction or
10 renovation of a facility or other eligible project in the TRID
11 are retired.

12 (c) Notification.--The following shall apply:

13 (1) If the transfers under subsection (a) are
14 insufficient to make payments on the bonds issued under
15 section 811(a)(1) for the calendar year when the transfers
16 are made, the management entity shall notify the Department
17 of Community and Economic Development, the Office of the
18 Budget and the department of the amount of additional money
19 necessary to make payments on the bonds.

20 (2) The notification under paragraph (1) must be
21 accompanied by a detailed account of the management entity's
22 expenditures and the calculation which resulted in the
23 request for additional money. The Department of Community and
24 Economic Development, the Office of the Budget or the
25 department may request additional information from the
26 management entity and shall jointly verify the proper amount
27 of money necessary to make the payments on the bonds.

28 (3) Notwithstanding 53 Pa.C.S. § 5607(e) (relating to
29 purposes and powers) within 90 days of the date of the
30 notification request, the Office of the Budget shall direct

1 the State Treasurer to establish a restricted account within
2 the General Fund. The Office of the Budget shall direct the
3 State Treasurer to transfer the amount verified under
4 paragraph (2) from the General Fund to the restricted account
5 for the use of the management entity to make payments on the
6 bonds issued under section 811(a) (1).

7 (4) Money transferred under paragraph (3):

8 (i) shall be limited to 50% of the State tax <--
9 baseline amount for the calendar year prior to the date
10 the amount is verified under paragraph (2), not to exceed
11 \$10,000,000 \$100,000; and <--

12 (ii) must occur in the first seven calendar years
13 following the baseline year.

14 (5) Under extraordinary circumstances, a management
15 entity may request money in excess of the limitations under
16 paragraph (4) (i). The Department of Community and Economic
17 Development, the Office of the Budget and the department
18 shall determine whether the circumstances merit additional
19 money and the amount to be transferred. The money shall be
20 transferred under the procedure under this section.

21 (6) Money transferred under paragraph (3) shall be
22 repaid to the General Fund by the management entity. If money
23 transferred under paragraph (3) is not repaid to the General
24 Fund by the management entity by the date of the final
25 payment on the bonds originally issued under section
26 811(a) (1), the municipality or county and the transit agency
27 which established the management entity shall pay, in equal
28 shares, the money not repaid to the General Fund plus an
29 additional penalty of 10% of the amount outstanding on the
30 date of the final payment on the bonds originally issued

1 under section 811(a)(1).

2 Section 811. Restrictions.

3 (a) Utilization.--If the use was approved in an application
4 filed under section 802, money transferred under section 810 may
5 only be utilized for the following:

6 (1) Payment of debt service on bonds issued for the
7 construction, including related infrastructure and site
8 preparation, reconstruction or renovation of a facility in
9 the TRID.

10 (2) Construction, including related infrastructure and
11 site preparation, reconstruction or renovation of all or a
12 part of a facility.

13 (3) Replenishment of amounts in debt service reserve
14 funds established to pay debt service on bonds.

15 ~~(4) Employment of an independent auditing firm to~~ <--
16 ~~perform the duties under section 805(c).~~

17 ~~(5) (4) Improvement or development of all or part of a~~ <--
18 ~~TRID.~~

19 ~~(6) (5) Improvement projects, including fixtures and~~ <--
20 ~~equipment for a facility owned by a public authority.~~

21 (b) Prohibition.--Money transferred under section 810 may
22 not be utilized for maintenance of a facility.

23 (c) Excess money.--

24 (1) If the amount of money transferred to the fund under
25 section 810 in any one calendar year exceeds the money
26 utilized under this section in that calendar year, the
27 management entity shall submit by January 15 following the
28 end of the calendar year the excess money to the State
29 Treasurer for deposit into the General Fund.

30 (2) At the time of submission to the State Treasurer,

1 the management entity shall submit to the State Treasurer,
2 the Office of the Budget and department a detailed accounting
3 of the calculation resulting in the excess money.

4 (3) The excess money shall be credited to the management
5 entity and applied to the amount required to be repaid under
6 section 810(c)(6) until there is full repayment.

7 (d) Matching funds.--

8 (1) The amount of money transferred from the TRID fund
9 utilized for the construction, including related site
10 preparation and infrastructure, reconstruction or renovation
11 of facilities shall be matched by other sources of funding at
12 a ratio of two fund dollars to one private dollar.

13 (2) By April 1, following the baseline year and for each
14 year thereafter, the management entity shall file an annual
15 report with the Department of Community and Economic
16 Development, the Office of the Budget and the department that
17 contains detailed account of the fund money expenditures and
18 the expenditures of funds from other sources and a
19 calculation of the ratio in paragraph (1) for the prior
20 calendar year. The agencies shall determine whether
21 sufficient funding from other sources was utilized.

22 (3) If it is determined that insufficient funding from
23 other sources was utilized under paragraph (1), the amount of
24 TRID fund money utilized under paragraph (1) in the prior
25 calendar year shall be deducted from the next transfer of the
26 fund.

27 Section 812. Duration.

28 A TRID fund shall be in effect for:

29 (1) the amount of time required to complete any approved
30 eligible project for which debt was not incurred; or

1 (2) a period equal to the length of time for the
2 repayment of debt incurred for the TRID, including bonds
3 issued. Bonds shall be paid no later than 30 years following
4 the initial issuance of the bonds.

5 Section 813. Commonwealth pledges.

6 (a) Pledge.--If and to the extent the management entity
7 pledges amounts required to be transferred to its TRID fund
8 under section 810 for payment of bonds issued by the management
9 entity, until all bonds secured by the pledge of the management
10 entity, together with interest on the bonds, are fully paid or
11 provided for, the Commonwealth pledges to and agrees with any
12 person, firm, corporation or government agency, in this
13 Commonwealth or elsewhere and pledges to and agrees with any
14 Federal agency subscribing to or acquiring the bonds of the
15 contracting authority that the Commonwealth itself will not, nor
16 will it authorize any government entity to, do any of the
17 following:

18 (1) Abolish or reduce the size of the ~~zone~~ TRID. <--

19 (2) Amend or repeal section 808 or 809.

20 (3) Limit or alter the rights vested in the management
21 entity in a manner inconsistent with the obligations of the
22 management entity with respect to the bonds issued by the
23 management entity.

24 (4) Impair revenue to be paid under this chapter to the
25 management entity necessary to pay debt service on bonds.

26 (b) Limitation.--Nothing under this section shall limit the
27 authority of the Commonwealth to change the rate, base or
28 subject of a specific tax or to repeal or enact any tax.

29 Section 814. Confidentiality.

30 (a) Sole use.--A TRID report or certification under this

1 chapter shall only be used by the management entity, the
2 Department of Community and Economic Development, the Office of
3 the Budget or the department to verify the amount of the State
4 tax baseline amount calculated under section 809 and State tax
5 certification under section 809.

6 (b) Prohibition.--Use of a TRID report other than as
7 provided under subsection (a) shall be prohibited and shall be
8 subject to the law applicable to the confidentiality of tax
9 records.

10 Section 815. Guidelines.

11 By December 31, 2014, the Department of Community and
12 Economic Development, the Office of the Budget and the
13 department shall develop and publish guidelines necessary to
14 implement this chapter.

15 Section 4. Section 901 of the act is amended to read:

16 Section 901. Public meeting to explain TRID and alternative
17 implementation approaches.

18 Community and public involvement in the establishment of
19 TRIDs is required. The municipality and the public
20 transportation agency shall jointly conduct at least one public
21 meeting in the proposed TRID area prior to the enactment of a
22 TRID[,] and TRID planning study[, comprehensive plan or zoning
23 amendment]. The meeting is intended to explain the purpose and
24 components of the TRID and the alternative implementation
25 approaches. The public meeting or meetings shall be in addition
26 to any required local government public hearing or hearings
27 prior to comprehensive or multimunicipal plan amendment
28 adoption. However, nothing in this act shall relieve the [TRID
29 management entity] municipality or public transportation entity
30 from conducting all public meetings required by law where the

1 TRID is acting or seeking to act under the:

2 (1) Act of May 24, 1945 (P.L.991, No.385), known as the
3 Urban Redevelopment Law.

4 (2) Act of July 11, 1990 (P.L.465, No.113), known as the
5 Tax Increment Financing Act.

6 (3) Act of December 20, 2000 (P.L.949, No.130), known as
7 the Neighborhood Improvement District Act.

8 Section 5. This act shall take effect in 60 days.