What is Codification?

Codification is the process of revising and restating the general and permanent public statutes into a concise code of laws that is clear, consistent, and organized. Codification is often seen as a housekeeping measure that consolidates statutes concerning related subjects and simplifies the language into more understandable formats.

Codification is necessary, because session laws that are drafted to address a specific purpose have an impact on other statutory rights and obligations in ways that are not always anticipated. Statutes that are inconsistent, redundant, and ambiguous will be misinterpreted. Many of the general session laws are not indexed and consequently are hard to find. A statute that cannot be found cannot be enforced.

In recognition of this need to simplify, index, and clarify, codification of the general session laws was authorized more than 30 years ago by the Act of November 25, 1970, P.L. 707, No. 230. Codification is only 25% complete. If the process continues at this rate, codification of the session laws enacted as of this date will be complete in the year 2090.

Codification of statutes will have profound substantive effect on which laws are enforced, and in the manner in which those laws are enforced. Without codification, the practical application of the assembly laws is interrupted. Without codification, the intent of the General Assembly cannot be deciphered.

Some Illustrations

A. Law That Cannot Be Found

The Pennsylvania Industrial Authority Board was created by Act of May 1956, 73 P.S. 301. Section 304 enables a twelve member board. Normally, an attorney would research the law of a particular authority by looking up its authorizing legislation and its amendments. Reference to this law in Purdons would reveal only a 12 member board. However, an additional appointment was authorized by Act of 1996, June 27, P.L. 403; This is found in a separate Purdons title at 71 P.S. 1709.1102. Four additional appointments were created by public law 71 P.S. 107. There is no reference to these public laws into the Industrial Development...
Authority Act, despite the fact that in practice the PIDA Board has sixteen members. Attached is the existing statutory language as well as an old draft codified version of the same provisions. A codified version of the law would not only have all appointments in one place, but the entire law dealing with the subject matter would exist in one section of a code. There would be no concealed amendments.

B. Redundancies and Ambiguities

The procedure to file petitions for refunds of taxes paid to the Pennsylvania Department of Revenue is set forth in Section 3003.1 of the Act of May 7, 1997, P.L. 85, No.7. The department’s decision may be appealed by an exclusive remedy to the Board of Finance and Revenue. Act of 1989, July 1, P.L. 93, No. 20; 72 P.S. Section 342. Consider the language presently used to describe this basic procedure. The uncodified provisions on the left reflect the law as it now exists.

UNCODIFIED PROVISION REFUND PETITIONS

Section 3003.1. Petitions for Refunds.

(a) For a tax collected by the Department of Revenue, a taxpayer who has actually paid tax, interest or penalty to the Commonwealth or to an agent or licensee of the Commonwealth authorized to collect taxes may petition the Department of Revenue for refund or credit of the tax, interest or penalty. Except as otherwise provided by statute, a petition for refund must be made to the department within three years of actual payment of the tax, interest or penalty.

(b) The department may grant a refund or credit to a taxpayer for all tax periods covered by a departmental audit. If a credit is not granted by the department in the audit report, the taxpayer must file a petition for refund within six months of the mailing date of the notice of assessment, determination or settlement.

(c) When any tax or other money has been paid to the Commonwealth under a provision of this act or any other statute subsequently held by final judgment of a court of competent jurisdiction to be unconstitutional or under an interpretation of such provision subsequently held by such court to be erroneous, a petition for refund may be filed with the department either prior or subsequent to such final judgment but must be filed within three years of the payment of which a refund is requested, or within three years of the assessment, settlement or determination of such taxes or other moneys due the Commonwealth, whichever period last expires. The department shall have jurisdiction to hear and determine any petition for refund filed prior to such final judgment only if, at the time of the filing thereof, proceedings are pending in a court of competent jurisdiction wherein the claims of unconstitutionality or erroneous interpretation made in the petition for refund may be established; and, in such case, the department shall not act upon the petition for refund until the final judgment determining the question or questions involved in such petition has been handed down.
(d) In the case of amounts paid as a result of an assessment, determination, settlement or appraisement, a petition for refund must be filed with the department within six months of the mailing date of the notice of assessment, determination, settlement or appraisement.

(e) A taxpayer may petition the Board of Finance and Revenue to review the decision and order of the department on a petition for refund. The petition for review must be filed with the board within ninety days of the mailing date of a decision and order of the department upon a petition for refund. (3003.1 amended May 7, 1997, P.L.85, No.7)

Section 1104.1.
Exclusive Appeal Procedure; Shares Taxes.--(a) A taxpayer may file a petition for refund with the Board of Finance and Revenue concerning the payment of the tax imposed by Article VII or VIII of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," within two (2) years of the date of payment of the tax or the settlement of the tax, whichever period last expires.
(b) Upon sufficient cause shown by a taxpayer that the payment of the tax settled against the taxpayer under Article VII or VIII of the "Tax Reform Code of 1971" would irreparably harm the taxpayer, the Board of Finance and Revenue may, by a majority vote of the members, take jurisdiction of a petition challenging the settlement of the tax without the tax being paid.
(c) Notwithstanding any provision of this act, the "Tax Reform Code of 1971," or any other law to the contrary, the procedure set forth in this section shall constitute the exclusive method by which any appeal from the settlement of the tax imposed by Article VII or VIII of the "Tax Reform Code of 1971" may be made.
(1104.1 added July 1, 1989, P.L.93, No.20)

CODIFIED PROVISION REFUND PETITIONS

§ 342. Refund petitions.
(a) General rule.--For a tax collected by the department, a taxpayer who has actually paid tax, interest or penalty may petition the department for refund or credit of tax, interest or penalty. Except as otherwise provided by statute, a petition for refund must be made within three years of actual payment of the tax, interest or penalty.

(b) Audits.--The department may grant a refund or credit to a taxpayer for all tax periods covered by a departmental audit. If a credit is not granted by the department in the audit report, the taxpayer must file a petition for refund within six months of the mailing date of the notice of assessment, determination or settlement.

(c) Judicial action.-
(1) A petition for refund may be filed with the department for money paid to the Commonwealth if any of the following apply:
   (i) The payment is under a statutory provision which a court of competent jurisdiction holds to be unconstitutional by a final judgment.
   (ii) The payment is under an interpretation of a statutory provision which (interpretation) a court of competent jurisdiction holds to be erroneous by a final judgment.

(2) The petition must be filed within three years of the later of the date of:
   (i) payment for which a refund is requested; or
   (ii) assessment, settlement or determination of money due the Commonwealth.

(3) The department has jurisdiction to determine a petition for refund filed prior to final judgment only if, at the time of the filing, proceedings are pending in a court of competent jurisdiction in which the claims of unconstitutionality or erroneous interpretation made in the petition for refund may be established. Under this paragraph, the department shall not act upon the petition for refund until the final judgment determining the question or questions involved in the petition has been handed down.

   (d) Six-month period.-In the case of amounts paid as a result of an assessment, determination, settlement or appraisement, a petition for refund must be filed with the department within six months of the mailing date of the notice of assessment, determination, settlement or appraisement.

   (e) Shares taxes.-
   (1) A taxpayer must file a petition for refund with the board concerning the payment of the tax imposed by Article VII or VIII of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, within two years of the later of the date of: (i) payment of the tax; or (ii) settlement of the tax.

   (2) Upon sufficient cause shown by a taxpayer that the payment of the tax settled against the taxpayer under Article VII or VIII of the Tax Reform Code of 1971 would irreparably harm the taxpayer, the board may, by a majority vote of the members, take jurisdiction of a petition challenging the settlement of the tax without the tax being paid.

   (3) Notwithstanding any statutory provision to the contrary, the procedure set forth in this subsection shall constitute the exclusive method by which an appeal from the settlement of the tax imposed by Article VII or VIII of the Tax Reform Code of 1971 may be made.

   (f) Applicability.-This section does not apply to any of the following:
   1) Payments to the Commonwealth prior to January 1, 1998.
   2) Estate and inheritance tax.
   3) Refunds under section 401(a)(1) (relating to jurisdiction and time limits).
   4) Refunds under section 1104.1 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code. [72 1003.1(a)-(d); 1104.1]
Another example is the statutory provision governing the appointment of a trustee in the event of a city's default. The uncodified version is one run-on sentence. The other provision is the codified version.

UNCODIFIED BOND TRUSTEES

Notwithstanding any provision in the bonds, the ordinance, or in the bond resolution, if the city shall default in the payment of the principal of or the interest on any series of bonds after the same shall become due, whether at the stated maturity or upon call for prior redemption, and such default shall continue for 30 days, or if the city shall fail to comply with any provision of the bonds, the ordinance or in any bond resolution, the holders of 25% in aggregate principal amount of the bonds of such series then outstanding, by an instrument or instruments filed in the department of records in the city signed and acknowledged in the same manner as a deed to be recorded, may appoint a trustee, who may be the sinking fund depository, to represent the holders of all such bonds and such representation shall be exclusive for the purposes herein provided.

CODIFIED

§ 18. Bond trustees.
(a) Eligibility for appointment.
   (1) Holders of 25% of the aggregate principal amount of outstanding bonds of a series may appoint a trustee if any of the following apply:
      (i) The city defaults, for at least 30 days, in the payment of principal or interest on the series at: (A) maturity; (B) call; or (C) prior redemption.
      (ii) The city fails to comply with the bond, the ordinance or the bond resolution.
   (2) Paragraph (1) supersedes contrary provisions in any bond, ordinance or bond resolution.
(b) Procedure.
   (1) A trustee must be appointed by a signed and acknowledged instrument filed with the city in the same manner as a deed to be recorded.
   (2) A sinking fund depository may be a trustee.
(c) Effect.--The trustee appointed under subsection (b) shall be the exclusive representative for all bondholders for purposes of this chapter.

C. Inconsistencies and Statutory Conflicts

MORE THAN ONE FIRST LIEN HOLDER

The Fiscal Code provides that "All State taxes imposed under the authority of any law of this commonwealth shall be a first lien upon the franchises and property, both real and personal, from the date of settlement, assessment or determination, except as otherwise
expressly provided by [the enabling] law . . " Act 1929, April 9, P.L. 3433 Article DD:V, Section 1401 as amended; 72 P.S. Section 1401. Date of recordation is irrelevant, so the Department of Revenue has silent liens on property owned by the taxpayer on the date the lien arises.

The Real Estate Tax Sale Law, 72 P.S. Section 5860.101 et seq. provides for certain procedures in the event of default of a tax owed to certain counties, cities, boroughs, townships, or school districts not of Class 1, 2, or 2a. Section 5860.301 provides that taxes levied by any of these taxing authorities are first liens having priority over all of her claims except the costs of sale and the tax liens of the Commonwealth (if the tax liens of the Commonwealth have been included in the purchase price of a tax sale or if the property is sold at judicial sale; see 72 P. S. Section 5860.205).

General municipal law provides that all taxes which may hereafter be lawfully imposed and assessed by counties, cities, boroughs, towns, townships, and school districts are a first lien on such realty subordinate only to the tax liens of the Commonwealth. Act of 1945, March 21, P.L. 47, Section 1; 53 P.S. Section 7102. The next section provides inconsistently that all taxes which may hereafter be lawfully imposed are a first lien except for costs of sale. Act of 1923, May 16, P.L. 207, No.24, Section 2; 53 P.S. Section 7103.

The same law provides that municipal claims, (as differentiated from taxes) shall be a lien on realty having priority from date of assessment over any other obligation, judgment, claim, lien or estate, except costs of sale. Act of 1923, May 16, P.L. 207, Section 3; 53 P.S. Section 7106 (as amended).

**DIVESTITURE OF COMMONWEALTH LIENS**

The Fiscal Code provides that the general Commonwealth lien shall not be subordinated to local taxes or municipal claims, except as expressly provided in the law under which the Commonwealth lien arises. 72 P.S. Section 1401. Taxes such as income tax, corporate tax, and sales tax maintain first priority status.

However, the specific legislation enabling UC tax liens provides that UC taxes shall be a lien upon the franchises and property, both real and personal, including after-acquired property of the employer liable therefore, from the date of recordation. The Pennsylvania UC Law mandates that UC taxes shall be fully paid and satisfied out of the proceeds of any judicial sale of property subject thereto, before any other obligation, judgment, claim, lien or estate to which said property may subsequently become subject, except costs of the sale and of the writ upon which the sale was made and real estate taxes and municipal claims against such property, but that UC tax liens shall only be subordinate to mortgages and other liens existing and duly recorded or entered of record prior to the recording of the UC tax lien. Neither silent liens nor free and clear sales on subordinate claims divest UC tax liens, under the express terms of this statute. In the case of a judicial sale of property subject to a UC tax lien, upon a
subordinate lien, such sale shall discharge the lien only to the extent that the proceeds are applied to its payment and such lien shall continue in full force and effect as to the balance remaining unpaid 43 P.S. Section 788.1.

However, municipal tax practice follows another, and inconsistent, remedy to those taxing bodies. If a tax sale does not produce a buyer, the Real Estate Tax Sale Law, 72 P.S. Section 5860.101 et seq. provides for a judicial sale at a price approved by courts in certain counties free and clear "of all tax claims and tax judgments, whether or not returned, filed or entered, as provided by this or any other act." 72 P.S. Section 5860.615. The sheriff of each county determines for himself the upset sale price, which as a rule does not include the Commonwealth tax liens. Notice of the schedule of distribution is posted in the sheriff’s office, and is not provided to the Commonwealth by mail or otherwise. The sheriff’s deed acts as a prima facie discharge of all Commonwealth liens against the realty. Free and clear sales may also be ordered in cities of the first class (53 P.S. Section 7283) and in counties of the first class (53 P.S. Section 7285), inter alia.

The judicial sale after execution on an assumpsit judgment obtained pursuant to general municipal law has a different effect. Tax liens are not divested except to the extent the proceeds pay the tax amount due. Further, the distribution shall be made first to the oldest tax having priority, and municipal claims next according to the age of the lien. However, in the event the realty is not sold at judicial sale, the court can order the realty sold at sheriff’s sale free and clear of all tax and municipal claims, liens, mortgages of whatsoever kind. 53 P. S. Section 7281.

Whether the divestiture of Commonwealth liens occurs at the sheriff’s sale or the judicial sale, the effect is the same. Commonwealth liens are avoided, and the attachment of liens to realty is eliminated despite the contrary intent of the legislation enabling the state tax, because of the selective enforcement of the Real Estate Tax Sales Law and the Municipal Code. Of increasing concern, now, is that municipal liens and claims are being sold to nongovernmental third parties who are exercising their assignments to divest Commonwealth claims, without the achieving a public benefit or meeting a public need.

Any claim filed or to be filed, under the provision of this act, and any judgment recovered thereon, may be assigned or transferred to a third party either absolutely or as collateral security, and such assignee shall have all the rights of the original holder thereof. 53 P.S. Section 7147, as cited in MAIERHOFER, v. GLS CAPITAL, INC. and THE COUNTY OF ALLEGHENY, 3465 C.D. 1998 (Commonwealth Court, opinion of May 14, 1999).

CONCLUSION

If the General Assembly wants the judiciary to ascertain and effectuate its legislative intention, 1 Pa C. S. A. 1921, it must make that intention clear. The above should illustrate the
difficulty any judge would have in trying to divine that intention. While disciplined and intelligent judges are certainly important in this effort, no less important is having a clear statutory code.

The lasting work product of a legislature is legislation. The institutional strength of the General Assembly depends, in part, on its product being carefully crafted to articulate the intent of the General Assembly. There are few things that could have as dramatic a positive impact on this effort than completion of the codification process so that the Commonwealth’s laws can be found, read and understood.
There is hereby created a body corporate and politic, constituting a public corporation and government instrumentality by the name of “the Pennsylvania Industrial Development Authority,” the board of members of which shall be composed of the following: the Secretary of Commerce or his or her named designee, who will serve as Chairman, the Secretary of Labor and Industry or his or her named designee, the Secretary of Community Affairs or his or her named designee, the Secretary of Agriculture or his or her named designee, and the Secretary of Banking or his or her named designee and their respective successors in office and seven additional members who shall be appointed by the Governor with the advice and consent of the Senate who shall represent the general public and the public interest and whose terms shall be for seven years and until their respective successors shall be duly appointed and qualified, the term of each appointed member to be designated by the Governor at the time of his appointment, except that any person appointed to fill a vacancy shall serve only for the unexpired term, and any appointed member of the Authority shall be eligible for reappointment. Said members of the Authority shall be entitled to no compensation for their services as members, but shall be entitled to receive the amount of reasonable traveling, hotel and other expenses incurred in the performance of their duties in accordance with Commonwealth regulations. An appointed member of the board who fails to attend three consecutive meetings shall forfeit his or her seat.
unless the chairman, upon written request of the member, finds that the member should be excused from
attending a meeting because of illness or the death of an immediate family member.
153, § 2; 1988, July 13, P.L. 534, No. 95, § 2, effective July 1, 1988.]

Termination of Authority

For the termination of the Pennsylvania Industrial Development Authority by the Sunset Act, see 71 P.S. §
1795.6(c).

Historical and Statutory Notes

The 1968 amendment substituted the Secretary of Community Affairs for the Secretary of Internal Affairs.
The 1972 amendment added the Secretary of Agriculture as a member.
The 1988 amendment rewrote the section, which formerly read:

"There is hereby created a body corporate and politic, constituting a public corporation and government
instrumentality by the name of "The Pennsylvania Industrial Development Authority," the board of members
of which shall be composed of the following The Secretary of Commerce, who will serve as Chairman, the
Secretary of Labor and Industry, the Secretary of Community Affairs and the Secretary of Banking and their
respective successors in office and seven additional members who shall be appointed by the Governor with
the advice and consent of the Senate shall represent the general public and the public interest. The
members of the Authority initially appointed by the Governor shall continue in office for terms of one
appointed member to be designated by the Governor at the time of his appointment; but their successors
shall each be appointed for a term of seven years, except that any person appointed to fill a vacancy shall
serve only for the unexpired term, and any appointed member of the Authority shall be eligible for
reappointment. Said members of the Authority shall be entitled to no compensation for their services as
members, but shall be entitled to reimbursement for all necessary expenses incurred in connection with the
performance of their duties as members."

Sections 7 and 9 of Act 1988, July 13, P.L. 534, No. 95, provide:

"Section 7. The presently confirmed board members of the Pennsylvania Industrial Development Authority,
as of the effective date of this act, shall continue to serve as board members until their present terms of
office expire and until their successors are appointed and qualified."

71 P.S., § 105
Repealed

Historical and Statutory Notes

Former §105, which derived from Act 1929, April 9, P.L. 177, No. 175 by Act 1975, § 305 and was added by

1. Jurisdiction
Condemnation of property for purposes of construction of sewage treatment plant did not constitute taking
for construction of solid or liquid waste disposal facility, as would give Agricultural Lands Condemnation
Approval Board subject matter jurisdiction over condemnation action. In re Condemnation by Centre Twp.
Right-of-way contained within property which had been condemned for purposes of construction of sewage treatment plant did not involve condemnation of right-of-way for highway purposes, as would give Agricultural Lands Condemnation Approval Board subject matter jurisdiction over condemnation action; parties had stipulated that right-of-way was for access to plant, and not for highway. In re Condemnation by Centre Tp. Mun. Authority, 693 A.2d 1012, Cmwlth.1997, appeal denied 702 A.2d 1062, 549 Pa. 729.

3. Prior approval

Condemnation for purpose of constructing waste treatment facility was not condemnation for purpose of "disposals of solid or liquid waste, where no on-site discharge of waste would occur on property in question; accordingly, condemnor did not have to obtain proper approval of Agricultural Lands Condemnation Approval Board, even assuming that property was currently being put to productive agricultural use. Matter of New Garden Tp., 579 A.2d 459, 134 Pa.Cmwlth. 531, Cmwlth.1990.

§ 107. (Adm. Code § 307). The Pennsylvania Industrial Development Authority; additional members

In addition to the members of the board of The-Pennsylvania Industrial Development Authority provided in section 4 of then act of May 17, 1956 (1955 P.L. 1609, No. 537), known as the "Pennsylvania Industrial Development Authority Act, the Majority Leader of the Senate, the Minority Leader of the Senate, the Majority Leader of the House of Representatives and the Minority Leader of the House of Representatives shall each appoint one member to the board of The Pennsylvania Industrial Development Authority. 'A member appointed pursuant to this section shall serve at the pleasure of the officer who appointed the member. Members of the General Assembly shall not be eligible for appointment to the 'board'. 1929, April 9, P.L. 17T, No. 175, art. III, § 307, added 1991, Aug.'14, P.L. 331, No. 35, § 1, imd. effective. 1 73 P.S. 304.

§ 108. (Adm. Code § 308). Terms of office under Pennsylvania Intergovernmental Cooperation Authority

A member of the board of the Pennsylvania Intergovernmental Cooperation Authority shall serve at the pleasure of his or her appointing authority for a term extending not more than sixty (60) days beyond the current term of office of the appointing authorities from the House of Representatives or until his or her successor is appointed, whichever shall first occur. The Executive Director shall serve at the pleasure of the board for a term ending sixty (60) days beyond the current term of office of the appointing authorities from the House of Representatives or until his or her successor is retained pursuant to section 202(g) of the act of June 5, 1991 (P.L. 9, No. 6), known as the "Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class," whenever shall first occur. A person named to fill a vacancy occurring prior to the expiration of a term shall serve the unexpired term.

Chapter 11

RESTRUCTURING OF CERTAIN MEMBERSHIPS AND PARTICIPATION

§ 1709.1101. Appointment to board of directors of Pennsylvania economic Development Financing Authority.

In place of the membership of the Secretary of Community Affairs on the board of directors of the Pennsylvania Economic Development Financing Authority under section 6.1(b)(4) of the act of August 23, 1967 AP.L. 251, No. 102), known as the Economic Development Financing Law, the Governor shall make an additional appointment under section 6.1(b)(1) of the Economic Development Financing Law.

§ 1709.1102 Appointment to board of The Pennsylvania Industrial Development Authority.
In place of the membership of the Secretary of Community Affairs on the board of The Pennsylvania Industrial Development Authority under section 4 of the act of May 17, 1956 (1955 P.L. 1609, No. 537), known as the Pennsylvania Industrial Development, the Governor shall make an additional under section 4 of the Pennsylvania Industrial Development Authority Act.

1996, June 27, P.L. 403, No. 58, § 1102, imd. effective.


(a) Secretary of Public Welfare.—In place of the membership of the Secretary of Community Affairs on the Pennsylvania Housing Finance Agency under section 202 of the act of December 3, 1999 (P.L. 1688, No. 621), known as the Housing Finance Agency Law, the Secretary of Public Welfare shall serve on that agency.

(b) Chairperson.—The Secretary of Community and Economic Development shall continue to be a member of the Pennsylvania Housing Finance Agency, and on and after the effective date of this act, the Secretary of Banking shall serve as chairperson of that agency.

1996, June 27, P.L. 403, No. 58, § 1103, imd. effective

135 P.S. § 1680.202

§ 1709.1104. Membership on the Board of Property;

In place of the membership of the Secretary of Community Affairs on the Board of Property under section 406 of the act of April 9, 1929 (P.L. 177, No. 175), known as The Administrative Code of 1929, the Secretary of Community and Economic Development shall serve on that board. The General Counsel shall be a member of the Board of Property in place of the Attorney General; and on and after the effective date of this act, the Secretary of the Commonwealth shall be the chairperson of the Board of Property.

1996, June 27, P.L. 403, No.58, § 1104, imd. effective

171P.S. § 116.

§ 1709.1105. Membership on the State Transportation Advisory Committee

"Research and development enterprise." An enterprise for the discovery of new and the refinement of known substances, processes, products, theories and ideas. The term does not include activities directed primarily to the accumulation or analysis of commercial, financial or mercantile data.

"Responsible buyer." A person, partnership or corporation deemed by the Pennsylvania Industrial Development Authority, after investigation, to be financially responsible to assume all obligations prescribed by the authority in the acquisition and operation of an industrial development project.

"Responsible tenant." A person, partnership or corporation deemed by the Pennsylvania Industrial Development Authority, after investigation, to be financially responsible to assume all rental and all other obligations prescribed by the authority in the leasing and operation of an industrial development project.

"Small business." Respective responsible buyers or tenants occupying and operating an industrial enterprise, a manufacturing enterprise, a research and development enterprise or an agricultural enterprise and who or which together with parents, subsidiaries or affiliated corporations or other related business entities, employ in the aggregate less than 50 full-time employees on an annual basis.

§ 4504. Pennsylvania Industrial Development Authority.

(a) Creation.—There is hereby created a body corporate and politic, constituting a public corporation and government instrumentality, to be known as the Pennsylvania Industrial Development Authority.

(b) Composition of board.—The board of members of the authority shall be composed of the following:

(I) The Secretary of Commerce who shall serve as chairman, the Secretary of Labor and Industry, the Secretary of Community Affairs, the Secretary of Agriculture and the Secretary of Banking or their designees and their respective successors in office.

(2) One member shall be appointed by each of the following: the Majority Leader of the Senate, the
Minority Leader of the Senate, the Majority Leader of the House of Representatives and the Minority Leader of the House of Representatives. A member appointed pursuant to this paragraph shall serve at the pleasure of the officer who appointed the member. Members of the General Assembly shall not be eligible for appointment to the board.

(3) Seven additional members who shall be appointed by the Governor with the advice and consent of the Senate and who shall represent the general public and the public interest.

(c) Terms.—The terms of the appointed members shall be for seven years and until their respective successors are duly appointed and qualified, the term of each appointed member to be designated by the Governor at the time of appointment. A person appointed to fill a vacancy shall serve only for the unexpired term, and any appointed member of the authority shall be eligible for reappointment.

(d) Compensation and expenses.—The members of the authority shall be entitled to no compensation for their services as members, but shall be entitled to receive the amount of reasonable traveling, hotel and other expenses incurred in the performance of their duties in accordance with Commonwealth regulations.

(e) Failure to attend meetings.—An appointed member of the board who fails to attend three consecutive meetings shall forfeit his seat unless the chairman, upon written request of the member, finds that the member should be excused from attending a meeting because of illness or the death of an immediate family member.

§ 450S. Powers of authority.

(a) General rule.—The authority, as a public corporation and governmental instrumentality exercising public powers of the Commonwealth, is hereby granted and shall have and may exercise all powers necessary or appropriate to carry out and effectuate the purposes of this chapter, including, in addition to others granted in this chapter, the power to:

(I) Make determination and designation of critical economic areas.
(2) Cooperate with industrial development agencies in their efforts to promote the expansion of industrial, manufacturing and research and development activity in critical economic areas.
(3) Determine, upon proper application of industrial development agencies, whether the declared public purpose of this chapter has been accomplished or will be accomplished by the establishment by such industrial development agencies of an industrial development project in a critical economic area.
(4) Conduct examinations and investigations and hear testimony and take proof, under oath or affirmation, at public or private hearings, on any maker material for its information and necessary to the determination and designation of critical economic areas and the establishment of industrial development projects therein.
(5) Issue subpoenas requiring the attendance of witnesses and the production of books and papers pertinent to any hearing before the authority or before one or more members of the authority appointed by it to conduct the hearing.
(6) Apply to any court having territorial jurisdiction of the offense to have punished for contempt any witness who refuses to obey a subpoena or who refuses to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear.