

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1032

Session of
1995

INTRODUCED BY J. TAYLOR, KENNEY, WOGAN, O'BRIEN, GLADECK,
PERZEL, SCHRODER, FICHTER, BUNT, CORNELL, DEMPSEY, LEH,
LAWLESS, HABAY, DENT, SEMMEL, GODSHALL, ADOLPH, SAYLOR,
ALLEN, TULLI, FEESE, DIGIROLAMO, E. Z. TAYLOR, BROWNE AND
MERRY, MARCH 6, 1995

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 19, 1995

AN ACT

1 Providing for the preemption of ordinances and other regulations
2 of cities of the first class for capital projects and
3 improvements of State-related universities principally
4 located within cities of the first class.

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

7 Section 1. Legislative findings and intent.

8 The General Assembly finds and declares as follows:

9 (1) The State-related universities of the Commonwealth
10 have by statute been declared to be instrumentalities of the
11 Commonwealth and members of the Commonwealth System of Higher
12 Education to provide higher educational opportunities for the
13 citizens of this Commonwealth.

14 (2) The General Assembly, desiring and intending that
15 the State-related universities enhance such educational
16 opportunities for citizens of this Commonwealth, has provided
17 to such universities annual appropriations for education and

1 general expenses, thereby reducing the cost of tuition
2 charges for Commonwealth residents.

3 (3) In addition, the Commonwealth has supported and
4 enhanced the educational opportunities provided by State-
5 related universities to citizens of this Commonwealth by
6 including in capital budget acts substantial public funds for
7 the acquisition, construction, renovation and equipping of
8 land, buildings and other facilities for educational and
9 related purposes on the campuses of State-related
10 universities.

11 (4) The citizens of this Commonwealth, through the
12 expenditure of tax revenue, have a substantial investment in
13 such land, buildings and other facilities and in the
14 operations of the State-related universities.

15 (5) By reason of annual appropriations and capital
16 budget acts, the activities and facilities of State-related
17 universities are matters of Statewide concern, serve a public
18 purpose and provide a public benefit to the Commonwealth.

19 (6) The General Assembly has in prior legislative
20 enactments declared that land, buildings and other facilities
21 owned by the Commonwealth or State-related universities and
22 used for higher education are under the entire control and
23 management of the boards of trustees of the State-related
24 universities.

25 (7) Imposition of local zoning and land-use regulations
26 on the activities and real property, buildings and other
27 facilities of State-related universities may constitute an
28 interference with the statutory duties and responsibilities
29 of the State-related universities as instrumentalities of the
30 Commonwealth to extend opportunities for higher education to

1 citizens of this Commonwealth. It is the intent of the
2 General Assembly to recognize that the State-related
3 universities provide a direct public benefit and serve the
4 public purposes of the Commonwealth by declaring the real
5 property owned by State-related universities or owned by the
6 Commonwealth and used by them to be exempt from zoning and
7 land-use ordinances and regulations of cities of the first
8 class. Nothing declared herein shall be interpreted to exempt
9 State-related universities from municipal building codes and
10 regulations that are generally applicable to similar
11 buildings in the city.

12 Section 2. Definitions.

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

16 "Real property." Land, buildings, fixtures and improvements
17 thereon, including all rights, titles and interests of whatever
18 nature and kind or appurtenant thereto.

19 "State agency." Exclusively for the purposes of this act, a
20 State-related university.

21 "State-related university." A State-related university that
22 has its principal campus located in a city of the first class,
23 including, but not limited to, Temple University.

24 Section 3. Preemption.

25 (a) Grant of preemptive power to State agency.--A State
26 agency may pursue its purposes and exercise its powers and
27 authority, including, without limitation, the acquisition,
28 design, development, construction, improvement, furnishing,
29 fixturing, equipping, operation, extension, enlargement,
30 maintenance, repair, lease, sublease or use of real property,

1 notwithstanding any provision of law providing for or regulating
2 zoning or land-use planning in a city of the first class, or any
3 zoning ordinance or land-use ordinance adopted or enacted by a
4 city of the first class under the authority of any statute or
5 under the authority of any home rule charter authorized and
6 adopted under any statute or the Constitution of Pennsylvania.

7 (b) Exercise of preemptive power by Commonwealth and
8 administrative agencies.--The Commonwealth and any of its
9 administrative agencies designated in the act of April 9, 1929
10 (P.L.177, No.175), known as The Administrative Code of 1929, may
11 exercise the same preemptive power and authority exercisable by
12 a State agency under subsection (a) so long as the real property
13 is to be used, occupied or under the control of a State-related
14 university, whether by agreement, lease or otherwise.

15 Section 4. Retroactivity.

16 This act shall be retroactive to March 15, 1994.

17 SECTION 5. EXPIRATION.

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18 THE AUTHORITY, RIGHTS AND PRIVILEGES ARISING UNDER THIS ACT
19 PERTAINING TO EXEMPTION FROM ZONING AND LAND USE REQUIREMENTS OF
20 CITIES OF THE FIRST CLASS SHALL EXPIRE FOUR YEARS AFTER THE
21 EFFECTIVE DATE OF THIS ACT, PROVIDED THAT ANY PROJECT FOR WHICH
22 AN APPLICATION FOR A BUILDING PERMIT HAS BEEN SUBMITTED AT ANY
23 TIME PRIOR TO FOUR YEARS AFTER THE EFFECTIVE DATE SHALL CONTINUE
24 TO ENJOY THE AUTHORITY, RIGHTS AND PRIVILEGES ARISING UNDER THIS
25 ACT.

26 Section 5 6. Effective date.

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27 This act shall take effect immediately.