

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 209 Session of
2001

INTRODUCED BY MCGEEHAN, FLICK, BELFANTI, CAPPABIANCA, TIGUE,
LEDERER, ZUG, COY, HERMAN, ROEBUCK, THOMAS, GORDNER,
READSHAW, DALEY, BELARDI, GEIST, WOGAN, SURRA, SHANER,
SOLOBAY, ADOLPH, LUCYK, WASHINGTON, STABACK, TRICH,
WOJNAROSKI, E. Z. TAYLOR, GEORGE, J. TAYLOR, C. WILLIAMS,
FICHTER, YOUNGBLOOD, BEBKO-JONES, BROWNE, DeWEESE, GRUCELA,
WALKO, ROSS, BARRAR, SCRIMENTI, HARHAI, YUDICHAK, SCHRODER,
MANN, CAWLEY, RUBLEY, TRAVAGLIO, KIRKLAND, EACHUS, CASORIO,
DONATUCCI, STEELMAN, COSTA, LAWLESS, BASTIAN, FREEMAN,
ROONEY, L. I. COHEN, SATHER, DERMODY, MELIO, PETRONE, CIVERA,
BLAUM, LAUGHLIN, HORSEY, STRITTMATTER, MICHLOVIC, PETRARCA
AND TRELLO, JANUARY 25, 2001

AS REPORTED FROM COMMITTEE ON LABOR RELATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 4, 2001

AN ACT

~~1 Requiring dormitories in public and private institutions of~~ <—
~~2 higher education to conform to certain automatic sprinkler~~
~~3 system specifications; establishing a loan program; making an~~
~~4 appropriation; and imposing penalties.~~

5 PROVIDING FOR A PROGRAM TO ASSIST PUBLIC AND PRIVATE <—
6 INSTITUTIONS OF HIGHER EDUCATION TO INSTALL SPRINKLER SYSTEMS
7 IN DORMITORIES.

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

10 ~~Section 1. Short title.~~ <—

11 ~~This act shall be known and may be cited as the Dormitory~~
12 ~~Automatic Sprinkler System Act.~~

13 ~~Section 2. Definitions.~~

14 ~~The following words and phrases when used in this act shall~~
15 ~~have the meanings given to them in this section unless the~~

~~context clearly indicates otherwise.~~

~~"Department." The Department of Labor and Industry of the Commonwealth.~~

~~"Dormitory." Any building owned by, or utilized by, an institution of higher education which is used as a residence by students. The term includes a building which is utilized or owned by a fraternity or sorority which is recognized by the institution of higher education.~~

~~"Institution of higher education." Any of the following:~~

~~(1) A community college operating under Article XIX A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.~~

~~(2) A university comprising the State System of Higher Education.~~

~~(3) Lincoln University.~~

~~(4) The Pennsylvania State University.~~

~~(5) Temple University.~~

~~(6) The University of Pittsburgh.~~

~~(7) A private college or university that is subject to 24 Pa.C.S. Ch. 65 (relating to private colleges, universities and seminaries).~~

~~Section 3. Automatic sprinkler systems.~~

~~(a) Requirements. Each dormitory in this Commonwealth shall be equipped with an automatic sprinkler system that satisfies the requirements of Pamphlet 13 or 13R of the National Fire Protection Association.~~

~~(b) Compliance periods for existing dormitories. Except as provided in subsections (c) and (d), a dormitory which exists on the effective date of this act shall be in compliance with this section not later than five years from the effective date of~~

1 ~~this act.~~

2 ~~(c) Conversion of existing buildings. A building or~~
3 ~~structure which exists on the effective date of this act and~~
4 ~~that is converted into a dormitory shall be in compliance with~~
5 ~~subsection (a) prior to the issuance of a certificate of~~
6 ~~occupancy.~~

7 ~~(d) Renovation of existing dormitories. A dormitory that~~
8 ~~exists on the effective date of this act and that is renovated~~
9 ~~at a cost in excess of 25% of the dormitory's taxable value~~
10 ~~shall be in compliance with subsection (a) prior to the issuance~~
11 ~~of a certificate of occupancy.~~

12 ~~(e) New dormitories. A dormitory which is constructed after~~
13 ~~the effective date of this act shall be in compliance with~~
14 ~~subsection (a) prior to the issuance of a certificate of~~
15 ~~occupancy.~~

16 ~~(f) Variances from compliance requirements.—~~

17 ~~(1) An institution of higher education or a fraternity~~
18 ~~or sorority subject to this act may apply to the department~~
19 ~~for a variance from the completion requirement of subsection~~
20 ~~(b). The department shall promulgate, by regulation, the~~
21 ~~format and procedure for the consideration of variance~~
22 ~~requests. The department may grant a variance if it can be~~
23 ~~demonstrated that the applicant is acting in good faith and~~
24 ~~that compliance with subsection (b) would impose an~~
25 ~~unreasonable hardship to the applicant. Possible factors~~
26 ~~justifying a variance include the availability of qualified~~
27 ~~contractors, the possible financial hardship imposed on an~~
28 ~~applicant if the applicant were required to comply with the~~
29 ~~original completion requirement and the possible negative~~
30 ~~effects of the original completion requirement on the~~

1 ~~availability of student housing. A variance under this~~
2 ~~paragraph may not exceed two years from the original~~
3 ~~completion requirement. A variance application must be~~
4 ~~submitted no later than 42 months after the effective date of~~
5 ~~this act.~~

6 ~~(2) Irrespective of paragraph (1), the department may~~
7 ~~extend the time frame required by subsection (b) for an~~
8 ~~entity if an affected entity is unable to comply due to~~
9 ~~reasons which are outside the control of the entity. The~~
10 ~~unavailability of loan money under section 4 for an affected~~
11 ~~entity shall be deemed a reason for noncompliance which is~~
12 ~~outside the control of the entity if the entity has applied,~~
13 ~~and been found qualified, for a loan under section 4.~~

14 ~~Section 4. Sprinkler loan program.~~

15 ~~(a) Program. The department shall establish and administer~~
16 ~~a loan program for the purpose of providing low interest loans~~
17 ~~to institutions of higher education, or fraternities or~~
18 ~~sororities covered by this act, to install or retrofit automatic~~
19 ~~water sprinkler systems or automatic fire suppression or control~~
20 ~~systems in dormitories in order to comply with this act. Loan~~
21 ~~payments shall be credited to the Sprinkler Loan Fund.~~

22 ~~(b) Terms and conditions. Each loan approved by the~~
23 ~~department under this act shall contain the following terms and~~
24 ~~conditions:~~

25 ~~(1) The loan shall be subject to interest at a rate of~~
26 ~~2% per annum.~~

27 ~~(2) The loan shall be repaid within 15 years of the date~~
28 ~~of the loan.~~

29 ~~(3) Any other terms and conditions as promulgated by the~~
30 ~~department.~~

~~(c) Application. The department shall develop an application for loans from the fund. No loan shall be approved by the department unless the applicant seeking the loan has completed the application and agreed to the terms and conditions required by the department.~~

~~(d) Sprinkler Loan Fund. There is established a separate account in the State Treasury, to be known as the Sprinkler Loan Fund, which shall be administered by the department.~~

~~Section 5. Regulations.~~

~~The department shall promulgate regulations to administer the provisions of this act.~~

~~Section 6. Requirements.~~

~~Participants in the sprinkler loan program under section 4 shall be subject to the following statutory requirements governing construction projects and construction related work:~~

~~(1) Section 1 of the act of May 1, 1913 (P.L.155, No.104), entitled, "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings."~~

~~(2) The act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act.~~

~~(3) The act of December 20, 1967 (P.L.869, No.385), known as the Public Works Contractors' Bond Law of 1967.~~

~~(4) The act of March 3, 1978 (P.L.6, No.3), known as the Steel Products Procurement Act.~~

~~Section 7. Failure to comply.~~

~~If the owner of a dormitory, after receiving service of a written order by the department to comply with the provisions of this act and its regulations, fails to comply with any written order within the time specified in the order, the department is~~

~~authorized to immediately order the dormitory to be vacated or placed out of service until the requirements of this act and its regulations are fully complied with.~~

~~Section 8.— Enforcement.~~

~~For the purpose of enforcing this act, all the officers charged with its enforcement shall have the power to enter any dormitory. No person shall hinder or delay or interfere with any of these officers in the performance of their duty nor refuse information necessary to determine compliance with the provisions of this act and its regulations.~~

~~Section 9.— Penalties.~~

~~(a) Violation of act.—~~

~~(1) Any person that violates any provision of this act commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 and costs.~~

~~(2) Each day that a violation of this act continues shall be considered a separate violation.~~

~~(b) Disposition of penalties.— The amount of the penalty shall be forwarded to the department.~~

~~Section 10.— Appropriation.~~

~~The sum of \$125,000,000 is hereby appropriated from the General Fund to the Sprinkler Loan Fund.~~

~~Section 11.— Effective date.~~

~~This act shall take effect July 1, 2001.~~

SECTION 1. SHORT TITLE.

THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE DORMITORY SPRINKLER SYSTEM ACT.

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

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1 CONTEXT CLEARLY INDICATES OTHERWISE:

2 "AUTHORITY." THE PENNSYLVANIA HIGHER EDUCATIONAL FACILITIES
3 AUTHORITY.

4 "BONDS." NOTES (OTHER THAN REVENUE ANTICIPATION NOTES),
5 BONDS, AND OTHER EVIDENCES OF INDEBTEDNESS OR OBLIGATIONS, WHICH
6 THE PENNSYLVANIA HIGHER EDUCATIONAL FACILITIES AUTHORITY IS
7 AUTHORIZED TO ISSUE PURSUANT TO THE ACT OF DECEMBER 6, 1967
8 (P.L.678, NO.318), KNOWN AS THE PENNSYLVANIA HIGHER EDUCATIONAL
9 FACILITIES AUTHORITY ACT OF 1967, AND WHICH WERE ISSUED ON OR
10 AFTER JULY 1, 2001.

11 "COLLEGE." A NONPROFIT EDUCATIONAL INSTITUTION SITUATED
12 WITHIN THIS COMMONWEALTH WHICH IS EMPOWERED TO PROVIDE A PROGRAM
13 OF EDUCATION BEYOND THE HIGH SCHOOL LEVEL, WHICH BY VIRTUE OF
14 GOVERNING LAW AND REGULATION IS RECOGNIZED BY THE STATE BOARD OF
15 EDUCATION AS AN INSTITUTION OF HIGHER EDUCATION AND WHICH PLACES
16 NO RESTRICTIONS UPON THE ADMISSION OF STUDENTS BASED UPON RACE,
17 CREED OR NATIONAL ORIGIN.

18 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
19 COMMONWEALTH.

20 "DORMITORY AND HOUSING UNITS." A BUILDING OWNED BY A COLLEGE
21 WHICH IS USED AS A RESIDENCE BY STUDENTS OF THE COLLEGE.

22 SECTION 3. SPRINKLER SYSTEM PROGRAM.

23 (A) POWERS.--IN ADDITION TO ITS OTHER POWERS, THE AUTHORITY
24 IS AUTHORIZED TO FINANCE PROJECTS TO RETROFIT EXISTING COLLEGE
25 DORMITORIES AND HOUSING UNITS WITH SPRINKLERS BY MAKING LOANS TO
26 COLLEGES.

27 (B) REIMBURSEMENT.--FOR ANY AUTHORITY BOND ISSUED UNDER
28 SUBSECTION (A), THE AUTHORITY SHALL REIMBURSE THE COLLEGE, EACH
29 FISCAL YEAR, FOR THE COST OF INTEREST PAID BY THE COLLEGE DURING
30 THE FISCAL YEAR ON THE BOND IN EXCESS OF AN INTEREST RATE OF 3%,

1 USING FUNDS FROM APPROPRIATIONS TO THE DEPARTMENT FOR SUCH
2 PURPOSE OR FROM ANY OTHER FUNDS AVAILABLE TO THE DEPARTMENT FOR
3 SUCH USE. THE DEPARTMENT SHALL DEPOSIT ANY FUNDS APPROPRIATED
4 FOR THIS PURPOSE INTO A RESTRICTED ACCOUNT TO BE USED TO PAY TO
5 THE AUTHORITY THE INTEREST REIMBURSEMENTS WHEN DUE.

6 (C) BONDS.--THE BONDS OF THE AUTHORITY ISSUED TO PAY THE
7 COST OF A PROJECT UNDER THIS ACT SHALL BE AUTHORIZED BY
8 RESOLUTION OF THE BOARD THEREOF OR BY THE TERMS OF A TRUST
9 INDENTURE AUTHORIZED BY SUCH BOARD AND SHALL BE OF SUCH SERIES,
10 SHALL BEAR SUCH DATE OR DATES, SHALL MATURE AT SUCH TIME OR
11 TIMES, NOT EXCEEDING 20 YEARS FROM THEIR RESPECTIVE DATES, SHALL
12 BEAR INTEREST AT SUCH RATE OR RATES, SHALL BE IN SUCH
13 DENOMINATIONS, SHALL BE IN SUCH FORM, EITHER COUPON OR FULLY
14 REGISTERED WITHOUT COUPONS, SHALL CARRY SUCH REGISTRATION,
15 EXCHANGEABILITY AND INTERCHANGEABILITY PRIVILEGES, SHALL BE
16 PAYABLE IN SUCH MEDIUM OF PAYMENT AND AT SUCH PLACE OR PLACES,
17 SHALL BE SUBJECT TO SUCH TERMS OF REDEMPTION, NOT EXCEEDING 105%
18 OF THE PRINCIPAL AMOUNT THEREOF AND SHALL BE ENTITLED TO SUCH
19 PRIORITIES IN THE REVENUES, RENTALS OR RECEIPTS OF THE AUTHORITY
20 AS SUCH TRUST, INDENTURE, RESOLUTION OR RESOLUTIONS MAY PROVIDE.
21 THE BONDS SHALL BE SIGNED BY SUCH OFFICERS, EITHER MANUALLY OR
22 BY FACSIMILE, AS THE AUTHORITY SHALL DETERMINE, AND COUPON BONDS
23 SHALL HAVE ATTACHED THERETO INTEREST COUPONS BEARING THE
24 FACSIMILE SIGNATURE OF THE TREASURER OF THE AUTHORITY, ALL AS
25 MAY BE PRESCRIBED IN SUCH RESOLUTION OR RESOLUTIONS. BONDS MAY
26 BE ISSUED AND DELIVERED NOTWITHSTANDING THAT ONE OR MORE OF THE
27 OFFICERS SIGNING SUCH BONDS OR THE TREASURER WHOSE FACSIMILE
28 SIGNATURE SHALL BE UPON THE COUPONS OR ANY THEREOF SHALL HAVE
29 CEASED TO BE SUCH OFFICER OR OFFICER OR OFFICERS AT THE TIME
30 WHEN SUCH BONDS ACTUALLY SHALL BE DELIVERED. SUCH BONDS MAY BE

1 SOLD AT PUBLIC OR PRIVATE SALE FOR SUCH PRICE OR PRICES AS THE
2 AUTHORITY SHALL DETERMINE, WITH THE APPROVAL OF THE COLLEGE FOR
3 WHOSE USE THE PROJECT IS BEING CONSTRUCTED.

4 SECTION 4. IMPACT ON EXISTING LAW.

5 NOTHING IN THIS ACT SHALL AFFECT THE SCOPE, EFFECT OR
6 APPLICABILITY OF THE FOLLOWING:

7 (1) SECTION 1 OF THE ACT OF MAY 1, 1913 (P.L.155,
8 NO.104), ENTITLED, "AN ACT REGULATING THE LETTING OF CERTAIN
9 CONTRACTS FOR THE ERECTION, CONSTRUCTION, AND ALTERATION OF
10 PUBLIC BUILDINGS."

11 (2) THE ACT OF AUGUST 15, 1961 (P.L.987, NO.442), KNOWN
12 AS THE PENNSYLVANIA PREVAILING WAGE ACT.

13 (3) THE ACT OF DECEMBER 20, 1967 (P.L.869, NO.385),
14 KNOWN AS THE PUBLIC WORKS CONTRACTORS' BOND LAW OF 1967.

15 (4) THE ACT OF MARCH 3, 1978 (P.L.6, NO.3), KNOWN AS THE
16 STEEL PRODUCTS PROCUREMENT ACT.

17 SECTION 5. EFFECTIVE DATE.

18 THIS ACT SHALL TAKE EFFECT JULY 1, 2001, OR IMMEDIATELY,
19 WHICHEVER IS LATER.