

the date of execution of the note or other written evidence of the loan.

* * *

Section 3. This act shall take effect immediately.

APPROVED—The 12th day of May, A. D. 1966.

WILLIAM W. SCRANTON

1966 SPECIAL SESSION NO. 3

No. 3

AN ACT

HB 2

Providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh.

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

Section 1. Short Title.—This act shall be known and may be cited as the “University of Pittsburgh—Commonwealth Act.”

Section 2. Legislative Findings: Declaration of Policy.—It is hereby determined and declared as a matter of legislative finding:

(1) That the University of Pittsburgh derives its corporate existence under the laws of the Commonwealth of Pennsylvania by reason of the act of the General Assembly of the Commonwealth establishing an “Academy or Public School in the town of Pittsburgh” on February 28, 1787, Volume XII, Pennsylvania Statutes at Large, page 357, and from the act of February 18, 1819 (P. L. 61) incorporating the “Western University of Pennsylvania”;

(2) That the original Charter of Incorporation of the Western University of Pennsylvania was subsequently amended and supplemented by the following acts of the General Assembly: act of March 9, 1826, recorded in Laws of Pennsylvania (1825) (P. L. 74); act of February 9, 1855 (P. L. 24); and act of March 6, 1872 (P. L. 218);

(3) That the name of “Western University of Pennsylvania” was duly changed to “University of Pittsburgh” by order of the Court of Common Pleas of Allegheny County No. Four at 425 Third Term 1908 on July 11, 1908, the change of name being duly recorded in

the Recorder's office of the County of Allegheny in Charter Book Volume No. 43, page 446 and;

(4) That the Charter of the University of Pittsburgh was duly amended in accordance with the authority granted by the act of May 5, 1933 (P. L. 289), article IV, section 403 as amended by amendments duly approved by the board of trustees on December 13, 1949 and March 8, 1960;

(5) That the University of Pittsburgh owns and maintains land, buildings, and other facilities which are used, together with land and buildings owned by the Commonwealth of Pennsylvania, for higher education, which land, buildings and other facilities are under the entire control and management of the board of trustees;

(6) That the Commonwealth of Pennsylvania recognizes University of Pittsburgh as an integral part of a system of higher education in Pennsylvania, and that it is desirable and in the public interest to perpetuate and extend the relationship between the Commonwealth of Pennsylvania and University of Pittsburgh for the purpose of improving and strengthening higher education by designating University of Pittsburgh as a State-related university.

Therefore, it is hereby declared to be the purpose of this act to extend Commonwealth opportunities for higher education by establishing University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related institution in the Commonwealth system of higher education.

Section 3. Change of Name.—The Charter of University of Pittsburgh shall be amended by changing the name of University of Pittsburgh to "University of Pittsburgh—Of the Commonwealth System of Higher Education," hereinafter referred to as "the University" and, as such, shall continue as a corporation for the same purposes as, and with all rights and privileges heretofore granted to, University of Pittsburgh, unless hereinafter modified or changed.

Section 4. Board of Trustees; Composition; Commonwealth Trustees; Terms.—(a) The amended charter of the university as provided by section 3 of this act shall also provide that the board of trustees of the university shall consist of thirty-six voting members, one of whom shall be the Chancellor of the University of Pittsburgh and the Governor of the State, the Superintendent of the Department of Public Instruction and the Mayor of the City of Pittsburgh, all of whom shall be members of the board of trustees, ex officio.

(b) Twelve of the trustees shall be designated Commonwealth trustees and four shall be appointed by the Governor, with the advice and consent of two-thirds of all of the members of the Senate, four by the President Pro Tempore of the Senate, and four by the Speaker of the House of Representatives. One appointment shall be made by each of the appointing authorities for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year commencing with the date when the change in the

charter of the university becomes effective. Annually thereafter, one appointment shall be made by each of the three Commonwealth appointing authorities for a term of four years.

(c) The twenty-four trustees, in addition to the twelve Commonwealth trustees, shall be elected annually under such terms and conditions as may be provided by the university by-laws.

Section 5. Powers and Duties of Board of Trustees.—The entire management, control and conduct of the instructional, administrative, and financial affairs of the university is hereby vested in the board of trustees. The board may exercise all the powers and franchises of the university and make by-laws for their own government, as well as for the university.

Section 6. State Appropriations, Tuition.—The annual appropriation act to the university for general maintenance may specify the purposes or areas for which such appropriations may be expended by the university. The annual appropriation act may also contain a tuition supplement requiring the university to maintain such tuition and fee schedules for Pennsylvania resident full-time students as set forth annually in such appropriation act: Provided, That the amounts appropriated by the act are sufficient for the maintenance of such schedules by the university: And, provided further, That for any given year, in the event the amounts appropriated are not sufficient for the maintenance of the tuition and fee schedules, the university shall have the right to alter the schedules to the extent necessary to provide required income equal to the amount not provided by the appropriation act.

Section 7. Payments of Appropriations, Accountability and Auditing.—(a) The sums appropriated by the Commonwealth shall be paid to the board of trustees only upon presentation by them of certified payrolls and vouchers showing expenditures in accordance with the appropriations. The Auditor General shall draw a warrant upon the State Treasurer for payment of approved expenditures. All expenditures made by the board of trustees in respect to such appropriations shall be subject to a post-audit by the Auditor General.

(b) For the purpose of assuring the proper accountability on the part of the University of Pittsburgh for the expenditure of the amounts appropriated by the Commonwealth, the University of Pittsburgh shall establish a Commonwealth Appropriation Account into which only the amounts appropriated by the Commonwealth shall be credited when received. The University of Pittsburgh shall apply the moneys in the Commonwealth Appropriation Account only for such purposes as are permitted in the act appropriating the same and shall at all times maintain proper records showing the application of such moneys. Not later than ninety days after the close of the fiscal year to which the specific ¹ appropriation relates, the University of Pittsburgh shall file with the General Assembly and with the Auditor General of the Commonwealth, a statement setting forth the amounts

¹“appropriations” in original.

and purposes of all expenditures made from both the Commonwealth Appropriation Account and other university accounts during the fiscal year. Such statement of expenditures shall be reviewed by the Auditor General of the Commonwealth, and he shall have the right, in respect to the Commonwealth Appropriation Account, to audit and disallow expenditures made for purposes not permitted by the appropriation act and to cause such sums to be recovered and paid by the University of Pittsburgh to the Treasurer of the Commonwealth. In respect to expenditures made by the university from accounts other than the Commonwealth Appropriation Account, the Auditor General shall have the right to review only and he shall file annually with the General Assembly such information concerning such expenditures as the General Assembly or any of its committee may require.

Section 8. Capital Improvements.—The benefits of all Commonwealth or Commonwealth authority programs for capital development and improvement shall be available to the university under terms and conditions comparable to those applicable to land grant institutions of higher learning and State colleges. In accordance with legislative appropriations made as provided by law, the Commonwealth may, by agreement with the board of trustees, acquire lands, erect and equip buildings, and provide facilities for the use of the university.

Section 9. Issuance of Bonds Tax Exempt within the Commonwealth.—(a) The board of trustees may provide for the issuance of bonds in the name of the university for any proper purpose in the same manner as heretofore.

(b) The university shall have no power at any time or in any manner to pledge the credit or the taxing power of the Commonwealth of Pennsylvania or any political subdivision nor shall any of its obligations be deemed to be obligations of the Commonwealth of Pennsylvania or of any of its political subdivisions, nor shall the Commonwealth of Pennsylvania or any political subdivision thereof be liable for the payment of principal of or interest on such obligations.

(c) Bonds issued by the university and loans secured by mortgages, their transfer and the income therefrom, (including any profits made on the sale thereof) shall at all times be free from taxation within the Commonwealth of Pennsylvania.

Section 10. Reports.—The Chancellor of the university shall each year, not later than the first day of October, make a report of all the activities of the university, instructional, administrative and financial, for the preceding scholastic and fiscal year, to the board of trustees, who shall transmit the same to the Governor and to the members of the General Assembly.

Section 11. Exemption.—The act of March 15, 1899 (P. L. 8), entitled "An act to regulate the manner in which appropriations to educational, penal, reformatory, charitable, benevolent, or eleemosynary institutions shall be paid," shall not apply to any appropriation made in pursuance of this act.

Section 12. Repealer.—All acts and parts of acts are repealed in so far as they are inconsistent herewith.

Section 13. Effective Date.—This act shall take effect immediately.

APPROVED—The 28th day of July, A. D. 1966.

WILLIAM W. SCRANTON

1966 SPECIAL SESSION NO. 3

No. 4

AN ACT

HB 10

Restricting the establishment and maintenance of junkyards along highways; providing for the screening of outdoor junkyards; prescribing a license fee; conferring powers and imposing duties on the Secretary of Highways; providing authority to take property by eminent domain for the screening or removal of junkyards in certain cases; making an appropriation; and providing penalties.

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

Section 1. The General Assembly finds that it is in the public interest and for the public welfare to regulate the location and maintenance of junkyards adjacent to the highways of the Commonwealth in order to promote the safety, convenience and enjoyment of public travel, to preserve the scenic beauty of lands bordering on such highways and to protect the public investment in such highways.

Section 2. As used in this act, the terms:

(1) "Establish" shall mean to erect, construct, build or in any way bring into being.

(2) "Highway" shall mean a highway within this Commonwealth designated by the Secretary of Highways, and approved by the United States Secretary of Commerce, as part of the Interstate System or primary system, pursuant to Title 23, United States Code, "Highways."

(3) "Junk" shall mean scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, iron, steel, and other old or scrap ferrous or non-ferrous material, including wrecked, scrapped, ruined, dismantled or junked motor vehicles or parts thereof.

(4) "Junkyard" shall mean any outdoor establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling junk, and the term shall include garbage dumps and sanitary fills.

(5) "Scrap metal processing facility" shall mean an establishment having facilities for processing iron, steel or non-ferrous scrap metal and whose principal product is scrap iron, steel or non-ferrous scrap for sale for remelting purposes only.