

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

# HOUSE BILL

## No. 2747

Session of  
1994

---

INTRODUCED BY COY, D. R. WRIGHT, CORRIGAN, GORDNER, ROBINSON,  
MELIO, VAN HORNE, COWELL, CESSAR, KUKOVICH, ROONEY,  
E. Z. TAYLOR, BATTISTO, HANNA, FARGO, TOMLINSON, PISTELLA,  
RICHARDSON, CURRY, HUGHES, STEELMAN AND SCHULER, MAY 16, 1994

---

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, SEPTEMBER 26, 1994

---

## AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," further providing for the operation  
6 of the State System of Higher Education; and making repeals.

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

9 ~~Section 1. Section 2001 A(3) of the act of March 10, 1949~~ <—  
10 ~~(P.L.30, No.14), known as the Public School Code of 1949, added~~  
11 ~~November 12, 1982 (P.L.660, No.188), is amended to read:~~

12 ~~Section 2001 A. Definitions. The following words and~~  
13 ~~phrases when used in this article shall, for the purpose of this~~  
14 ~~article, have the following meanings, respectively, except in~~  
15 ~~those instances where the context clearly indicates a different~~  
16 ~~meaning:~~

17 \* \* \*

18 ~~[(3) "Coalition bargaining" shall mean two (2) or more~~

1 ~~employers bargaining jointly with all of their employes in a~~  
2 ~~particular category or bargaining unit so that one collective~~  
3 ~~process would determine the conditions of employment for all~~  
4 ~~employers in the appropriate units involved.]~~

5       \* \* \*

6       Section 2 1. Section 2002-A of the act OF MARCH 10, 1949       <—  
7 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,  
8 amended or added November 12, 1982 (P.L.660, No.188) and June  
9 23, 1988 (P.L.457, No.77), is amended to read:

10       Section 2002-A. Establishment of the State System of Higher  
11 Education and its Institutions.--(a) [Subject to the regulatory  
12 powers conferred by law upon the State Board of Education,  
13 there] There is hereby established a body corporate and politic  
14 constituting a public corporation and government instrumentality  
15 which shall be known as the State System of Higher Education,  
16 independent of the Department of Education, hereinafter referred  
17 to as the system, which shall consist of the following  
18 institutions and such other institutions, presently existing or  
19 newly created, as may hereafter be admitted by the board in  
20 concurrence with other agencies as required by law:

- 21       [(1) Bloomsburg State College;  
22       (2) California State College;  
23       (3) Cheyney State College;  
24       (4) Clarion State College;  
25       (5) East Stroudsburg State College;  
26       (6) Edinboro State College;  
27       (7) Indiana University of Pennsylvania;  
28       (8) Kutztown State College;  
29       (9) Lock Haven State College;  
30       (10) Mansfield State College;

1 (11) Millersville State College;

2 (12) Shippensburg State College;

3 (13) Slippery Rock State College; and

4 (14) West Chester State College.]

5 (1) Bloomsburg University of Pennsylvania.

6 (2) California University of Pennsylvania.

7 (3) Cheyney University of Pennsylvania.

8 (4) Clarion University of Pennsylvania.

9 (5) East Stroudsburg University of Pennsylvania.

10 (6) Edinboro University of Pennsylvania.

11 (7) Indiana University of Pennsylvania.

12 (8) Kutztown University of Pennsylvania.

13 (9) Lock Haven University of Pennsylvania.

14 (10) Mansfield University of Pennsylvania.

15 (11) Millersville University of Pennsylvania.

16 (12) Shippensburg University of Pennsylvania.

17 (13) Slippery Rock University of Pennsylvania.

18 (14) West Chester University of Pennsylvania.

19 (b) [Each of the said institutions shall hereafter be known  
20 as the (Name) University of Pennsylvania of the State System of  
21 Higher Education, except for Indiana University of Pennsylvania,  
22 which shall retain its name.] As successor institutions to the  
23 State Normal Schools, appropriations for their operation are  
24 ordinary expenses of government, requiring only a majority vote  
25 of each House of the General Assembly. The State System of  
26 Higher Education shall have the same preferred status for  
27 appropriations as is enjoyed by its constituent institutions.  
28 State funds appropriated to the system shall be allocated to the  
29 individual institutions, the Office of the Chancellor and other  
30 programs and facilities by the board on a formula based on, but

1 not limited to, such factors as enrollments, degrees granted and  
2 programs. ~~The board may create a system reserve, the balance of~~ <—  
3 ~~which shall not exceed one half of one per cent (0.50%) of all~~  
4 ~~available operating funds, which may be expended for emergencies~~  
5 ~~and for special projects in accordance with board policy. WHICH~~ <—  
6 MAY BE EXPENDED FOR EMERGENCIES AND SPECIAL PROJECTS IN  
7 ACCORDANCE WITH BOARD POLICY. SUCH EXPENDITURES, EXCEPT IN CASES  
8 OF EMERGENCY, SHALL BENEFIT THREE OR MORE UNIVERSITIES AND SHALL  
9 NOT INCUR OR REQUIRE FINANCIAL COMMITMENTS OF LONGER THAN ONE  
10 FISCAL YEAR.

11 Section 3 2. Section 2003-A of the act, amended July 11, <—  
12 1990 (P.L.424, No.103), is amended to read:

13 Section 2003-A. Purposes and General Powers.--(a) The State  
14 System of Higher Education shall be part of the Commonwealth's  
15 system of higher education. Its purpose shall be to provide high  
16 quality education at the lowest possible cost to the students.  
17 The primary mission of the system is the provision of  
18 instruction for undergraduate and graduate students to and  
19 beyond the master's degree in the liberal arts and sciences and  
20 in applied fields, including the teaching profession. Graduate  
21 instruction at the doctoral level, except for doctoral programs  
22 provided for in the act of December 16, 1965 (P.L.1113, No.430),  
23 known as the "Indiana University of Pennsylvania Act," only may  
24 be offered jointly with Indiana University or an institution  
25 chartered to offer work at the doctoral level. Programs of  
26 research and service may be provided which are approved by the  
27 Board of Governors, and which are consistent with the primary  
28 mission of the system. Each institution shall provide  
29 appropriate educational facilities, student living facilities  
30 and such other facilities as deemed necessary by the board.

1 (b) The system is hereby granted and shall have and may  
2 exercise all the powers necessary or convenient for the carrying  
3 out of the aforesaid purposes, including, but without limiting  
4 the generality of the foregoing, the following rights and  
5 powers:

6 (1) To have perpetual existence as a corporation.

7 (2) To adopt, use and alter at will a corporate seal.

8 (3) To acquire, purchase, hold, lease as lessee and use any  
9 property, real, personal or mixed, tangible or intangible, or  
10 any interest therein, lease as lessor any property, real,  
11 personal or mixed, tangible or intangible, necessary or  
12 desirable for carrying out the purposes of the system, and to  
13 sell, transfer and dispose of any property acquired by gift,  
14 grant, devise or bequest, whether the property is real, personal  
15 or mixed, tangible or intangible, or any interest therein; to  
16 take, demand, receive and possess all moneys, real property and  
17 goods which shall be appropriated, given or granted to for the  
18 use of the system and to apply the same according to the will of  
19 the donors; to sell, transfer and dispose of real property  
20 acquired by and titled to the system upon approval by the  
21 General Assembly as provided in section 2018-A; and by gift,  
22 purchase or devise to receive, possess, enjoy and retain forever  
23 any and all real and personal estate and funds, of whatsoever  
24 kind, nature or quality the same may be, in special trust and  
25 confidence that the same, and the profits thereof, shall be  
26 applied to and for the use and purpose of endowing the system,  
27 and shall have power to receive donations from any source  
28 whatever, to be exclusively devoted to the purposes of the  
29 system or according to the terms of donation: Provided, however,  
30 That the system shall have no power at any time or in any

1 manner, to pledge the credit or taxing power of the  
2 Commonwealth, nor shall any of its obligations or debts be  
3 deemed to be obligations of the Commonwealth, nor shall the  
4 Commonwealth be liable for the payment of principal or interest  
5 on such obligations. Nothing herein shall empower the Board of  
6 Governors or the chancellor to take or receive any moneys, goods  
7 or other property, real or personal, which is given or granted  
8 to specific institutions.

9 (4) TO ENTER INTO JOINT VENTURES, CONSORTIA AND PARTNERSHIPS <—  
10 WITH BUSINESSES, INDUSTRIES, ORGANIZATIONS, LOCAL AND STATE  
11 GOVERNMENTS, THE FEDERAL GOVERNMENT AND FOREIGN GOVERNMENTS TO  
12 PURSUAE APPLIED AND THEORETICAL RESEARCH.

13 ~~(4)~~ (5) To borrow money, make and issue negotiable notes, <—  
14 bonds, refunding bonds and other evidence of indebtedness of  
15 obligations, herein called bonds, of the system, subject to all  
16 of the following conditions and limitations:

17 (i) The bonds shall have a maturity date not longer than  
18 forty (40) years from the date of issue.

19 (ii) The system, by pledge or deed of trust of all or any of  
20 its revenues and receipts, may secure the payment of such bonds  
21 or any part thereof.

22 (iii) The system may make such agreements with the  
23 purchasers or holders of such bonds, or with others in  
24 connection with any such bonds, whether issued or to be issued,  
25 as the system shall deem advisable.

26 (iv) The system shall provide for the security for the bonds  
27 and the rights of the holders thereof.

28 (v) The system shall not issue bonds if, on the date of  
29 issuance, the aggregate principal amount of bonds to be  
30 outstanding shall exceed ~~one hundred per cent (100%)~~ SEVENTY- <—

1 FIVE PER CENT (75%) of the system's average ANNUAL gross <—  
2 revenues for the three (3) CONSECUTIVE fiscal years preceding <—  
3 the fiscal year in which bonds are proposed to be issued, except  
4 that leases, capitalized or otherwise, entered into by the  
5 system, as lessee, in connection with the acquisition of real  
6 and personal property shall not be considered bonds for the  
7 purposes of these limitations.

8 (vi) The system shall have no power, at any time or in any  
9 manner, to pledge the credit or taxing power of the  
10 Commonwealth, nor shall any of the bonds or debts of the system  
11 be deemed to be obligations of the Commonwealth, nor shall the  
12 Commonwealth be liable for the payment of principal or interest  
13 on such bonds or other obligations.

14 (c) Collective ~~†~~bargaining agreements in force at the time <—  
15 of enactment of this act shall remain in force for the term of  
16 the contract. New collective~~†~~ bargaining agreements with <—  
17 ~~†~~professional~~†~~ employees shall be negotiated on behalf of the <—  
18 system by the chancellor. ~~†~~The board shall make a coalition <—  
19 bargaining arrangement with the Commonwealth for the negotiation  
20 of new collective bargaining agreements with noninstructional  
21 employees.~~†~~ <—

22 Section 4 3. Section 2003-A.1 of the act is amended by <—  
23 adding a subsection to read:

24 Section 2003-A.1. Project Contracts.--\* \* \*

25 (g) Contractors awarded contracts in excess of twenty-five  
26 thousand dollars (\$25,000) shall furnish performance bonds for  
27 one hundred per cent (100%) of the contract amount to insure  
28 faithful performance of all contractual obligations and payment  
29 bonds in the amount of one hundred per cent (100%) of the  
30 contract amount, for the protection of persons providing the

1 contractor labor, materials, supplies and services on such forms  
2 as the chancellor may specify. Such bonds shall be executed by  
3 surety companies authorized to do business in this Commonwealth.  
4 All bonds shall be payable to the State System of Higher  
5 Education.

6 Section 5 4. Section 2004-A of the act, amended June 23, <—  
7 1988 (P.L.457, No.77), is amended to read:

8 Section 2004-A. Board of Governors.--(a) The system shall  
9 be governed and all of its corporate powers exercised by the  
10 Board of Governors, which shall consist of twenty (20) members  
11 to be appointed as follows:

12 (1) The Governor, or his designee.

13 (2) The Secretary of Education, or his designee.

14 (3) One (1) Senator appointed by the President pro tempore  
15 of the Senate.

16 (4) One (1) Senator appointed by the Minority Leader of the  
17 Senate.

18 (5) One (1) Representative appointed by the Speaker of the  
19 House of Representatives.

20 (6) One (1) Representative appointed by the Minority Leader  
21 of the House of Representatives.

22 (7) Fourteen (14) members shall be appointed by the Governor  
23 and, except for student members, these appointments shall be

24 with the advice and consent of the Senate [of which six (6)  
25 shall be selected from the citizens of the Commonwealth]. Three

26 (3) members of the fourteen (14) shall be undergraduate students <—

27 whose terms shall expire upon graduation, separation or failure  
28 to maintain good academic [standards] standing at their

29 institution and five (5) of the fourteen (14) shall be trustees  
30 of constituent institutions, however, no more than one trustee



1 representing a constituent institution. The student members  
2 shall be selected from the [presidents] elected executive  
3 officers of the local campus student government associations, or  
4 their local equivalent. No student member shall simultaneously  
5 serve as a member of a council.

6 (b) All members of the board appointed by the Governor,  
7 except for the students, shall serve for terms of four (4)  
8 years[.], but no trustee member shall be eligible to serve after  
9 the expiration of his council term and the appointment of a  
10 successor council member. The Governor and Secretary of  
11 Education shall serve so long as they continue in office.  
12 Members of the board appointed from the General Assembly shall  
13 serve a term of office concurrent with their respective elective  
14 terms as members of the General Assembly.

15 (c) The Governor or his designee, and the Secretary of  
16 Education or his designee, and the members of the General  
17 Assembly shall be members of the board and shall be entitled to  
18 attend all meetings of the board and shall have the right to  
19 speak on all matters before the board, and to vote, but shall  
20 not be elected as an officer of the board.

21 (d) The board shall elect one (1) of its members to serve as  
22 its chairperson at the pleasure of the board. Members shall  
23 receive no compensation for their services but shall be  
24 reimbursed for the expenses necessarily incurred by them in the  
25 performance of their duties. The board shall meet quarterly and  
26 additionally at the call of the chairperson, or upon request of  
27 six (6) members of the board.

28 (e) The chancellor shall be the chief executive officer of  
29 the board and shall have the right to speak on all matters  
30 before the board, but not to vote.

(f) Each board member shall attend an orientation during his first year of service which shall be conducted by the chancellor. The purpose of this orientation shall be to acquaint board members with their duties, the mission of the system and system operations. ~~A board member's failure to attend a scheduled orientation shall be disqualification for reappointment.~~ The chancellor shall certify attendance to the ~~Governor~~ RESPECTIVE APPOINTING AUTHORITY.

(g) Any board member who is absent from three (3) consecutive regular meetings shall be removed by his RESPECTIVE appointing authority unless all such absences were caused by personal illness, the illness of a family member or the death of a family member. THE CHAIR OF THE BOARD SHALL NOTIFY THE RESPECTIVE APPOINTING AUTHORITY WHEN A BOARD MEMBER HAS UNEXCUSED ABSENCES FROM THREE (3) CONSECUTIVE REGULAR MEETINGS.

Section ~~6~~ 5. Section 2005-A(7) AND (10) of the act, added November 12, 1982 (P.L.660, No.188), ~~is~~ ARE amended and the section is amended by adding clauses to read:

Section 2005-A. The Chancellor.--The chief executive officer of the system shall be a chancellor, who shall be employed by the board in accordance with clause (1) of section 2006-A. In addition to those prescribed by the board, the chancellor shall have the following duties:

\* \* \*

(7) The chancellor shall be responsible for the administration of the central office, systemwide business procedures and for the overall organization of maintenance of the physical plants and security at all institutions. The chancellor, in consultation with the commission and the approval of the board, may organize centrally-provided administrative and

1 professional support services and allocate charges for same to  
2 users.

3 \* \* \*

4 (10) THE CHANCELLOR SHALL SERVE AS AN EX OFFICIO MEMBER OF <—  
5 THE COUNCIL OF EACH INSTITUTION IN THE SYSTEM WITHOUT VOTING  
6 PRIVILEGES.

7 \* \* \*

8 (12) The chancellor, in consultation with the board, shall  
9 appoint and fix the compensation of a chief legal counsel and  
10 such assistant counsel as may be required and may contract for  
11 legal services on a competitive basis. The system shall be  
12 deemed an independent agency for purposes of the act of October  
13 15, 1980 (P.L.950, No.164), known as the "Commonwealth Attorneys  
14 Act," except that sections 204(b) and (f) of the "Commonwealth  
15 Attorneys Act" shall not apply to the system.

16 (13) The chancellor shall create and conduct orientation  
17 programs for new board members and trustees in consultation with  
18 representatives of the board, the commission and the councils  
19 and shall certify attendance to the Governor <—  
20 RESPECTIVE  
APPOINTING AUTHORITY.

21 Section 7 6. Section 2006-A(a)(5) of the act, amended July <—  
22 1, 1985 (P.L.103, No.31), is amended and the section is amended  
23 by adding clauses to read:

24 Section 2006-A. Powers and Duties of the Board of  
25 Governors.--(a) The Board of Governors shall have overall  
26 responsibility for planning and coordinating the development and  
27 operation of the system. The powers and duties of the Board of  
28 Governors shall be:

29 \* \* \*

30 (5) To create new undergraduate and graduate degree

1 programs, which shall not be subject to the rules and  
2 regulations of the State Board of Education; to approve  
3 [extension campuses] establishment of branch campuses and  
4 extension centers and new external degree programs subject to  
5 the rules and regulations of the State Board of Education; to  
6 promote cooperation among institutions, including the  
7 development of consortia within the system and other educational  
8 institutions and agencies; TO APPROVE THE CREATION OF JOINT <—  
9 VENTURES, CONSORTIA AND PARTNERSHIPS BETWEEN SYSTEM INSTITUTIONS  
10 AND BUSINESSES, INDUSTRIES, ORGANIZATIONS, LOCAL AND STATE  
11 GOVERNMENTS, THE FEDERAL GOVERNMENT AND FOREIGN GOVERNMENTS FOR  
12 PURPOSES OF PURSUING APPLIED AND THEORETICAL RESEARCH.

13 \* \* \*

14 (16) To establish policy concerning expenditures from the  
15 system reserve and to approve all expenditures therefrom.

16 (17) To establish policy concerning the organization of  
17 centrally-provided administrative and professional support  
18 services, including allocation of charges therefor and to  
19 approve the chancellor's recommendations for the establishment  
20 of such services.

21 Section 8 7. The act is amended by adding a ~~section~~ SECTIONS <—  
22 to read:

23 SECTION 2006-A.1. PUBLIC PARTICIPATION.--(A) AT EACH <—  
24 MEETING OF THE BOARD AND BEFORE ANY OFFICIAL ACTION IS TAKEN,  
25 THE BOARD SHALL PROVIDE FOR A PUBLIC COMMENT PERIOD ON MATTERS  
26 OF CONCERN, OFFICIAL ACTION OR DELIBERATION WHICH ARE OR MAY BE  
27 BEFORE THE BOARD. IF THE BOARD DETERMINES THAT THERE IS NOT  
28 SUFFICIENT TIME AT A MEETING TO PROVIDE FOR PUBLIC COMMENT, THE  
29 BOARD MAY PROVIDE A SEPARATE MEETING FOR PUBLIC COMMENT ON SUCH  
30 MATTERS AS LONG AS THE MEETING OCCURS BEFORE THE RELEVANT

1 OFFICIAL ACTION IS TAKEN.

2 (B) FOR THE PURPOSES OF THIS SECTION, THE TERM "OFFICIAL  
3 ACTION" SHALL HAVE MEANING AFFORDED TO IT IN THE ACT OF JULY 3,  
4 1986 (P.L.388, NO.84), KNOWN AS THE "SUNSHINE ACT."

5 Section ~~2006-A.1~~ 2006-A.2. Powers and Duties Relating to <—  
6 Bonds.--(a) The bonds of the State System of Higher Education  
7 authorized to be issued shall:

8 (1) Be authorized by resolution of the Board of Governors of  
9 the system.

10 (2) Be of such series, bear such data or dates, mature at  
11 such time or times, not exceed forty (40) years from their  
12 respective dates.

13 (3) Bear interest, payable semiannually, at such rate or  
14 rates, as shall be determined by the board as necessary to issue  
15 and sell the authorized bonds.

16 (4) Be in such denominations, in such form, either coupon or  
17 fully registered without coupons and carry such registration,  
18 exchangeability and interchangeability privileges as the board  
19 shall determine.

20 (5) Be payable in such medium of payment and at such place  
21 or places as the system shall determine.

22 (6) Be subject to such terms of redemption and be entitled  
23 to such priorities in the revenues or receipts of the system as  
24 such resolution or resolutions may provide.

25 (b) The bonds shall be signed by or shall bear the facsimile  
26 signature of such officers as the board shall determine. Coupon  
27 bonds shall have attached thereto interest coupons bearing the  
28 facsimile signature of the chief fiscal officer of the system.  
29 All bonds shall be authenticated by an authenticating agent,  
30 fiscal agent or trustee, as may be prescribed in such resolution

1 or resolutions.

2 (c) Any such bonds may be issued and delivered,  
3 notwithstanding that one or more of the officers signing such  
4 bonds or the facsimile or whose signature shall be upon such  
5 bonds, the coupons or any part thereof shall have ceased to be  
6 such officer or officers at the time when such bonds shall  
7 actually be delivered.

8 (d) The bonds may be sold at public or private sale for such  
9 price or prices and at such rate of interest as the board shall  
10 determine.

11 (e) Pending the preparation of the definitive bonds, interim  
12 receipts may be issued to the purchaser of such bonds and may  
13 contain such terms and conditions as the system may determine.

14 (f) Any resolution or resolutions authorizing any bonds may  
15 contain provisions which shall be part of the contract with the  
16 holders thereof as to:

17 (1) The terms and provisions of the bonds.

18 (2) Limitations on the purposes to which the proceeds of the  
19 bonds then or thereafter to be issued, or of any loan or grant  
20 by the United States, may be applied.

21 (3) The setting aside of reserves or sinking funds and the  
22 regulation and disposition thereof.

23 (4) Limitations on the issuance of additional bonds.

24 (5) The terms and provisions of any deed of trust or  
25 indenture securing the bonds or under which the same may be  
26 issued.

27 (6) Any other or additional agreements with the holder of  
28 the bonds.

29 (g) The system may enter into any deeds of trust indentures  
30 or other agreements, with any bank or trust company or other

person or persons in the United States having power to enter into the same, including any Federal agency as security for such bonds, and may assign and pledge all or any of the revenues or receipts of the system thereunder. The deed of trust, indenture or other agreement may contain such provisions as may be customary in such instruments or as the system may authorize, including, but without limitation, provisions as to:

(1) The construction, improvement, operation, maintenance and repair of any project and the duties of the system with references thereto.

(2) The application of funds and the safeguarding of funds on hand or on deposit.

(3) The rights and remedies of said trustee and the holders of the bonds, which may include restrictions upon the individual right of action of such bondholders.

(4) The terms and provisions of the bonds or the resolutions authorizing the issuance of same.

(h) Except to the extent that the rights herein given may be restricted by resolution passed before the issuance of the bonds, or by the trust indenture, any holder of bonds issued under the provisions of this section, or any of the coupons attached thereto, and the trustee under the trust indenture, if any, may either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights granted hereunder or under such resolution or trust indenture and may enforce and compel performance of all duties required by this act or by such resolution or trust indenture to be performed by the system or any officer thereof.

(i) All system bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable

1 instruments law of the Commonwealth.

2 (j) The accomplishment by the system of the authorized  
3 purposes stated in this article being for the benefit of the  
4 people of this Commonwealth and for the improvement of their  
5 education and prosperity, in which accomplishment the system  
6 will be performing essential governmental functions, the system  
7 shall not be required to pay any taxes or assessments on any  
8 property acquired or used by it for the purposes provided in  
9 this article, and the bonds, notes or other obligations issued  
10 by the system, their transfer and the income therefrom,  
11 including any profits made on the sale thereof, shall at all  
12 times be free from taxation within the Commonwealth.

13 Section 9 8. Section 2008-A(c) of the act, amended June 23, <—  
14 1988 (P.L.457, No.77), is amended and the section is amended by  
15 adding subsections to read:

16 Section 2008-A. Councils of Trustees.--\* \* \*

17 [(c) The members of each board of trustees of a former State  
18 college or university serving in such capacity on the effective  
19 date of this act shall continue to serve for the balance of  
20 their respective terms.]

21 \* \* \*

22 (e) (1) Any trustee who is absent from three (3) consecutive <—  
23 quarterly meetings shall be removed by his RESPECTIVE appointing <—  
24 authority, unless all such absences were caused by personal  
25 illness, the illness of a family member, or the death of a  
26 family member.

27 (2) THE CHAIR OF THE COUNCIL SHALL NOTIFY THE RESPECTIVE <—  
28 APPOINTING AUTHORITY WHEN A COUNCIL MEMBER HAS UNEXCUSED  
29 ABSENCES FROM THREE (3) CONSECUTIVE REGULAR MEETINGS.

30 (f) Each trustee shall attend an orientation during the



first year of service which shall be conducted by the  
chancellor. The purpose of this orientation shall be to acquaint  
trustees with the duties of their office, the mission of the  
system and their respective universities and the operations of  
their respective universities and the system. Failure to attend <—  
the orientation shall disqualify any incumbent trustee for  
reappointment. The chancellor shall certify attendance to the  
Office of the Governor RESPECTIVE APPOINTING AUTHORITY. <—

Section ~~10~~ 9. Section 2010-A(5) of the act, added November <—  
12, 1982 (P.L.660, No.188), is amended to read:

Section 2010-A. Power and Duties of Institution  
Presidents.--The president of each institution shall be  
appointed by the board. The president shall be the chief  
executive officer of that institution. He shall have the right  
to attend all meetings of the council of that institution and  
shall have the right to speak on all matters before the council  
but not to vote. Subject to the stated authority of the board  
and the council, each president shall have the power and his  
duties shall be:

\* \* \*

(5) To establish policies and procedures governing the use  
of institutional facilities and property [in accordance with  
guidelines established by the local council].

\* \* \*

Section ~~11~~ 10. Funding for the Board of Governors and the <—  
chancellor shall come from all operating funds available to the  
State System of Higher Education but shall not exceed 0.50% of  
such funds. For purposes of this section, the term "operating  
funds" shall mean any Federal appropriation, any State  
appropriation, any student tuition fees and any student fees for

1 room and board.

2 Section ~~12~~ 11. (a) The following acts and parts of acts are <—  
3 repealed:

4 Sections 401.1 and 1311.1 of the act of April 9, 1929  
5 (P.L.177, No.175), known as The Administrative Code of 1929.

6 Sections 3, 4, 5 and 6 of the act of November 12, 1982  
7 (P.L.660, No.188), entitled "An act amending the act of March  
8 10, 1949 (P.L.30, No.14), entitled 'An act relating to the  
9 public school system, including certain provisions applicable as  
10 well to private and parochial schools; amending, revising,  
11 consolidating and changing the laws relating thereto,'  
12 establishing the State System of Higher Education and  
13 designating its institutions; creating and defining the powers  
14 and duties of the Board of Governors; establishing the office  
15 and duties of the chancellor of the university system; defining  
16 the powers and duties of presidents and the Councils of Trustees  
17 of the University Institutions; relating the powers and duties  
18 of the State Board of Education with the university system; and  
19 making certain repeals."

20 (b) The following acts and parts of acts are repealed to the  
21 extent specified:

22 As much of section 202 of the act of April 9, 1929 (P.L.177,  
23 No.175), known as The Administrative Code of 1929,78 as relates  
24 to the following boards:

25 Board of Trustees of West Chester State College,  
26 Board of Trustees of Millersville State College,  
27 Board of Trustees of Kutztown State College,  
28 Board of Trustees of East Stroudsburg State College,  
29 Board of Trustees of Mansfield State College,  
30 Board of Trustees of Bloomsburg State College,

1 Board of Trustees of Shippensburg State College,  
2 Board of Trustees of Lock Haven State College,  
3 Board of Trustees of California State College,  
4 Board of Trustees of Slippery Rock State College,  
5 Board of Trustees of Edinboro State College,  
6 Board of Trustees of Clarion State College,  
7 Board of Trustees of Cheyney State College,  
8 Board of Trustees of Indiana University of Pennsylvania,  
9 at Indiana,  
10 Board of State College and University Directors.

11 (c) All other acts and parts of acts are repealed insofar as  
12 they are inconsistent with this act.

13 (d) Except as otherwise provided, nothing in this act shall  
14 be construed to repeal the act of April 9, 1929 (P.L.177,  
15 No.175), known as The Administrative Code of 1929, as amended,  
16 but only as provided in this act and to the extent that the  
17 State System of Higher Education or its constituent institutions  
18 are expressly referred to therein, or the act of January 18,  
19 1952 (1951 P.L.2111, No.600), referred to as the State College  
20 Faculty Compensation Law.

21 Section ~~13~~ 12. This act shall take effect immediately.

<—