

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 682

Session of
1983

INTRODUCED BY COWELL, GALLAGHER, BURNS, HARPER, COY,
D. R. WRIGHT, EVANS, KOSINSKI AND DALEY, APRIL 5, 1983

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 2, 1983

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," increasing the membership
21 on the State Board of Education; EXCLUDING STATE COLLEGES AND <—
22 UNIVERSITIES FROM CERTAIN REQUIREMENTS RELATING TO PURCHASES
23 OF PRINTING SUPPLIES; IMPOSING ADDITIONAL LIMITATIONS
24 RELATING TO PUBLICATIONS; AND FURTHER PROVIDING FOR NOTICE TO
25 CERTAIN MUNICIPALITIES.

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

28 Section 1. Section 408.1 of the act of April 9, 1929

1 (P.L.177, No.175), known as The Administrative Code of 1929,
2 amended October 18, 1972 (P.L.935, No.224), is amended to read:

3 Section 408.1. The State Board of Education.--(A) The State <—
4 Board of Education shall consist of [seventeen] twenty-one
5 members, [eight] ten of whom shall also serve as members of the
6 Council of Basic Education, and [eight] ten of whom shall also
7 serve as members of the Council of Higher Education. The member
8 designated by the Governor as Chairman of the State Board of
9 Education shall also serve as a member of the Council of Basic
10 Education and of the Council of Higher Education. Members at
11 large on the effective date of this act may be assigned by the
12 Governor to either council. [Each] Except the legislative
13 members, each member shall be appointed by the Governor, by and
14 with the advice and consent of two-thirds of all the members of
15 the Senate, and shall, except as hereinafter provided, hold
16 office for terms of six years each and until his successor has
17 been appointed and has qualified. The majority and minority
18 chairmen of the House of Representatives and Senate Education
19 Committees or their respective designees from such committees
20 shall serve as ex officio members of the board with full voting
21 privileges and shall serve as members for as long as they hold
22 their respective positions. Members shall receive no salary but
23 shall be entitled to travel and other necessary expenses
24 incurred in the performance of their duties as members of the
25 board.

26 [Nine] (B) Eleven members shall constitute a quorum provided <—
27 that at least [four] five members serving on each of the
28 councils are present. The affirmative vote of a majority of all
29 the members of the board duly recorded showing how each member
30 voted shall be required in order to take action adopting

1 policies, standards, rules and regulations. The board shall meet
2 at least five times a year at such times and places as it shall
3 determine. Special meetings may be called by the chairman or at
4 the request of a majority of the members of the board.

5 (C) Of the members first appointed, three shall be appointed <—
6 for a term of one year, three shall be appointed for a term of
7 two years, three shall be appointed for a term of three years,
8 three shall be appointed for a term of four years, three shall
9 be appointed for a term of five years, and two shall be
10 appointed for a term of six years. Thereafter, all terms shall
11 be for six years, except that an appointment to fill a vacancy
12 shall be for the unexpired term.

13 (D) The Governor shall designate, to serve at his pleasure, <—
14 a member as Chairman of the State Board of Education.

15 (E) Except for the chairman, not more than two members <—
16 serving on each council shall be employed either in a school
17 system in the Department of Education or by any educational
18 institution. At least two members serving on each council shall
19 have had previous experience with technical education or
20 training.

21 (F) For the purpose of formulating policy proposals <—
22 applicable to elementary, secondary, vocational-technical
23 education and higher education in the Commonwealth, there shall
24 be two councils to consist of [nine] ten members of the board
25 each, the chairman of the board being a member of both councils,
26 and to be known as the Council of Basic Education and the
27 Council of Higher Education. The Governor shall designate to
28 serve at his pleasure a member serving on each council to act as
29 chairman of the council. Each council shall meet at the call of
30 its chairman or at the request of a majority of the members of

1 the council. The chairman of the board may appoint special joint
2 committees from among the members of the board to formulate
3 policy proposals in those areas which fall within the purview of
4 both of the councils. The board shall employ and fix the
5 compensation of such staff as is deemed necessary to perform the
6 duties of the board. The board shall assign a member of the
7 staff to each of the councils to serve as secretary.

8 (G) The Secretary of Education, or his designated <—
9 representative, shall be the chief executive officer of the
10 State Board of Education and shall be entitled to attend all
11 meetings of the board and the councils, and shall have the right
12 to speak on all matters before the board and the councils but
13 not to vote.

14 ~~Section 2. This act shall take effect in 60 days.~~ <—

15 SECTION 2. THE INTRODUCTORY PARAGRAPH OF SECTION 507 OF THE <—
16 ACT, AMENDED JUNE 21, 1937 (P.L.1865, NO.373), IS AMENDED AND A
17 CLAUSE IS ADDED TO READ:

18 SECTION 507. PURCHASES.--IT SHALL BE UNLAWFUL FOR ANY
19 ADMINISTRATIVE DEPARTMENT, OTHER THAN THE DEPARTMENT OF
20 [PROPERTY AND SUPPLIES] GENERAL SERVICES, OR FOR ANY INDEPENDENT
21 ADMINISTRATIVE BOARD OR COMMISSION, OR FOR ANY DEPARTMENTAL
22 ADMINISTRATIVE BODY, BOARD OR COMMISSION, OR FOR ANY ADVISORY
23 BOARD OR COMMISSION, TO PURCHASE OR CONTRACT FOR THE PURCHASE OF
24 ANY STATIONERY, PAPER, PRINTING, BINDING, RULING, LITHOGRAPHING,
25 ENGRAVING, ENVELOPES, OR OTHER PRINTING OR BINDING SUPPLIES, OR
26 ANY FUEL, SUPPLIES, FURNITURE, FURNISHINGS, OR EQUIPMENT, EXCEPT

27 * * *

28 (D) THE STATE SYSTEM OF HIGHER EDUCATION OR ITS MEMBER
29 INSTITUTIONS WHICH MAY PURCHASE OR CONTRACT FOR THE PURCHASE OF
30 ANY STATIONERY, PAPER, PRINTING, BINDING, RULING, LITHOGRAPHING,

1 ENGRAVING, ENVELOPES OR OTHER PRINTING OR BINDING SUPPLIES.

2 SECTION 3. SECTION 521 OF THE ACT IS AMENDED TO READ:

3 SECTION 521. PUBLICATIONS.--NO DEPARTMENT, BOARD, OR
4 COMMISSION SHALL PUBLISH OR DISTRIBUTE ANY PUBLICATION, MAP, OR
5 DOCUMENT TO THE PUBLIC, EXCEPT THROUGH THE DEPARTMENT OF
6 [PROPERTY AND SUPPLIES] GENERAL SERVICES, UNLESS THE DEPARTMENT
7 OF [PROPERTY AND SUPPLIES] GENERAL SERVICES SHALL HAVE CONSENTED
8 TO THE DIRECT PUBLICATION OR DISTRIBUTION OF SUCH PUBLICATION,
9 MAP, OR DOCUMENT, BY SUCH OTHER DEPARTMENT, OR BY SUCH BOARD OR
10 COMMISSION. THE STATE SYSTEM OF HIGHER EDUCATION AND ITS MEMBER
11 INSTITUTIONS SHALL BE AUTHORIZED TO PUBLISH OR DISTRIBUTE
12 PUBLICATIONS, MAPS OR DOCUMENTS TO THE PUBLIC, BUT THIS
13 AUTHORITY SHALL BE LIMITED TO THOSE PUBLICATIONS, MAPS OR
14 DOCUMENTS DIRECTLY RELATED TO THE RECRUITMENT OF STUDENTS,
15 MAINTENANCE OF ALUMNI RELATIONS, AND THE INFORMATIONAL
16 REQUIREMENTS OF STUDENTS IN SELECTING OR SCHEDULING COURSES OR
17 REGARDING ACADEMIC REQUIREMENTS AND OTHER INFORMATION DIRECTLY
18 RELATED TO A STUDENT'S ACADEMIC PROGRAM OR HOUSING NEEDS. THE
19 STATE SYSTEM OF HIGHER EDUCATION SHALL BE FURTHER AUTHORIZED TO
20 PUBLISH OR DISTRIBUTE PUBLICATIONS OR DOCUMENTS TO THE PUBLIC
21 WHICH CONVEY INFORMATION REGARDING EDUCATIONAL PROGRAMS OR
22 PROFILES OF THE SYSTEM AND ITS MEMBER INSTITUTIONS.

23 SECTION 4. SECTION 1905-A OF THE ACT, ADDED DECEMBER 3, 1970
24 (P.L.834, NO.275), IS AMENDED TO READ:

25 SECTION 1905-A. COOPERATION WITH MUNICIPALITIES.--(A) THE
26 DEPARTMENT OF ENVIRONMENTAL RESOURCES SHALL COOPERATE WITH
27 MUNICIPALITIES IN THE CONSTRUCTION AND COMPLETION OF PROJECTS
28 AND IMPROVEMENTS FOR THE CONSERVATION OF WATER AND THE CONTROL
29 OF FLOODS. FOR THIS PURPOSE, THE DEPARTMENT SHALL HAVE THE POWER
30 TO USE AND EXPEND ANY FUNDS ADVANCED BY MUNICIPALITIES, UNDER

1 AUTHORITY OF LAW, ON THE PROJECTS AND IMPROVEMENTS DESIGNATED,
2 WHEN SUCH FUNDS ARE ADVANCED, IN THE SAME MANNER AS IT EXPENDS
3 ANY FUNDS APPROPRIATED BY THE COMMONWEALTH FOR SIMILAR PURPOSES.

4 (B) THE DEPARTMENT OF ENVIRONMENTAL RESOURCES SHALL REQUIRE
5 THAT EVERY APPLICANT FOR A PERMIT OR A RENEWAL OF A PERMIT FOR
6 THE MINING BY ANY METHOD OF MINERALS, THE DRILLING FOR OIL OR
7 GAS, THE DISPOSAL OF SOLID OR LIQUID WASTES OR THE DISPOSAL OF
8 SEWERAGE SHALL GIVE WRITTEN NOTICE TO EACH MUNICIPALITY WHICH
9 WILL BE AFFECTED BY ANY DEPARTMENT ACTION ON THE APPLICATION.
10 THE WRITTEN NOTICE SHALL BE RECEIVED BY THE MUNICIPALITY THIRTY
11 (30) DAYS BEFORE ANY ACTION MAY BE TAKEN ON THE SUBMITTED
12 APPLICATION.

13 SECTION 5. SECTION 2406(B) AND (D) OF THE ACT, AMENDED
14 SEPTEMBER 28, 1965 (P.L.553, NO.287), ARE AMENDED TO READ:

15 SECTION 2406. PUBLICATIONS.--THE DEPARTMENT OF GENERAL
16 SERVICES SHALL HAVE THE POWER, AND ITS DUTY SHALL BE:

17 * * *

18 (B) (1) WITH THE APPROVAL OF THE GOVERNOR, TO DETERMINE THE
19 NEED, SIZE, CHARACTER, QUANTITY, AND METHOD OF DISTRIBUTION OF
20 THE VARIOUS PUBLICATIONS TO BE PRINTED FOR THE USE OF OR
21 DISTRIBUTION BY THE SEVERAL DEPARTMENTS, BOARDS, COMMISSIONS AND
22 OTHER AGENCIES ENGAGED IN THE ADMINISTRATIVE WORK OF THE STATE
23 GOVERNMENT: PROVIDED, THAT IN THE CASE OF REPORTS MADE BY THE
24 SEVERAL DEPARTMENTS, BOARDS, OR COMMISSIONS, THE DEPARTMENT,
25 BOARD, OR COMMISSION MAKING THE REPORT SHALL BE CONSULTED WITH
26 REGARD TO THE NEED, SIZE, CHARACTER, QUANTITY AND METHOD OF
27 DISTRIBUTION OF SUCH REPORTS;

28 (2) WITH THE APPROVAL OF THE GOVERNOR, AND OF THE CHIEF
29 JUSTICE OF THE SUPREME COURT OF PENNSYLVANIA, TO DETERMINE THE
30 SIZE, CHARACTER, QUANTITY, AND METHOD OF DISTRIBUTION OF THE

VARIOUS PUBLICATIONS TO BE PRINTED FOR THE USE OF THE JUDICIAL
DEPARTMENT;

(3) UNLESS SPECIFICALLY AUTHORIZED BY ACT OR RESOLUTION, NO
PUBLIC PRINTING AND BINDING SHALL BE ORDERED, PERFORMED, OR
FURNISHED BY THE DEPARTMENT FOR ANY DEPARTMENT, BOARD,
COMMISSION, OR OTHER AGENCY, OF THE STATE GOVERNMENT, UNTIL A
REQUISITION FOR SAID WORK OR MATERIALS HAS BEEN PRESENTED TO THE
DEPARTMENT, DULY SIGNED BY THE HEAD OR THE PERSON OR PERSONS WHO
MAY BE GIVEN SUCH AUTHORITY BY THE HEAD OF THE DEPARTMENT, OR
THE CHIEF EXECUTIVE OFFICER, OR OTHER AUTHORIZED REPRESENTATIVE
OF THE BOARD, COMMISSION, OR OTHER AGENCY OF THE STATE
GOVERNMENT MAKING SUCH REQUISITION;

(4) THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO THE
STATE SYSTEM OF HIGHER EDUCATION OR ANY MEMBER INSTITUTION.

* * *

(D) (1) TO ENTER INTO CONTRACTS FOR FURNISHING ALL PRINTING
USED IN THE LEGISLATIVE REFERENCE BUREAU AND OTHER DEPARTMENTS
OF THE GOVERNMENT, AND THE PRINTING, BINDING AND DISTRIBUTING OF
THE LAWS, JOURNALS, DEPARTMENT REPORTS, AND ALL OTHER PRINTING
AND BINDING, LITHOGRAPHING, CUTS, PLATES, DIES AND SUPPLIES AND
MATERIALS INCIDENT THERETO, WHICH CONTRACTS SHALL BE GIVEN TO
THE LOWEST RESPONSIBLE BIDDER BELOW SUCH MAXIMUM PRICE AND UNDER
SUCH REGULATIONS AS ARE PRESCRIBED BY THIS ACT, AND SHALL BE
SUBJECT TO THE APPROVAL OF THE GOVERNOR, AUDITOR GENERAL AND
STATE TREASURER;

(2) THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO THE
STATE SYSTEM OF HIGHER EDUCATION OR ANY MEMBER INSTITUTION.

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SECTION 6. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

SECTION 2409.2. AUTHORITY FOR STATE SYSTEM OF HIGHER

1 EDUCATION AND MEMBER INSTITUTIONS TO AWARD CONTRACTS FOR
2 STATIONERY, PAPER, PRINTING SUPPLIES, PUBLIC PRINTING AND
3 BINDING.--NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ACT, THE
4 STATE SYSTEM OF HIGHER EDUCATION OR ANY MEMBER INSTITUTION SHALL
5 BE AUTHORIZED TO ACCEPT LOCAL BIDS AND AWARD CONTRACTS FOR ITS
6 STATIONERY, PAPER, PRINTING SUPPLIES, PRINTING AND BINDING NEEDS
7 THROUGH A COMPETITIVE BIDDING PROCESS.

8 SECTION 7. SECTION 2 OF THIS ACT SHALL APPLY TO ALL
9 APPLICATIONS RECEIVED ON OR AFTER THE EFFECTIVE DATE OF THIS
10 ACT.

11 SECTION 8. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.