

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1755 Session of
1987

INTRODUCED BY COWELL, COLAFELLA, E. Z. TAYLOR, EVANS, TELEK,
LESCOVITZ, HERMAN, TIGUE, LIVENGOD, WASS, DAVIES, KOSINSKI,
COY, DALEY, LINTON, CLARK AND FATTAH, SEPTEMBER 30, 1987

REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 30, 1987

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 allocations of
6 State appropriations and the use and disposition of property;
7 increasing the size of the Board of Governors; further
8 providing for student membership on the Board of Governors
9 and the Council of Trustees; expanding the powers of
10 institution presidents; and authorizing the State System of
11 Higher Education to enter into contracts for maintenance
12 projects to repair buildings and other facilities.

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

15 Section 1. Section 2001-A of the act of March 10, 1949
16 (P.L.30, No.14), known as the Public School Code of 1949, is
17 amended by adding a clause to read:

18 Section 2001-A. Definitions.--The following words and
19 phrases when used in this article shall, for the purpose of this
20 article, have the following meanings, respectively, except in
21 those instances where the context clearly indicates a different
22 meaning:

1 * * *

2 (19) "Maintenance projects" shall mean those activities,
3 materials, labor and contracts necessary to replace, restore,
4 refurbish or enhance real property (except for architectural or
5 engineering considerations) to include the following: painting;
6 window repair and replacement; roof repair and replacement;
7 repointing and masonry repair; downspout and gutters;
8 landscaping; roadways, parking facilities, track and athletic
9 court resurfacing and reconstruction; sidewalk and curbing
10 reconstruction and replacement; asbestos abatement (in
11 accordance with all State and Federal statutes and regulations);
12 caulking and insulation; and replacement, reconstruction and
13 construction of non-load bearing walls. The Department of
14 General Services may define additional maintenance projects on a
15 case-by-case basis. No such project shall affect the structural
16 integrity of any existing facility or utility system.

17 Section 2. Sections 2002-A(b) and 2003-A(b) of the act,
18 added November 12, 1982 (P.L.660, No.188), are amended to read:

19 Section 2002-A. Establishment of the State System of Higher
20 Education and its Institutions.--* * *

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

1 individual institutions on a formula based on, but not limited
2 to, such factors as enrollments, degrees granted and programs.
3 [The current allocation formula employed by the Department of
4 Education shall be continued until and unless the board adopts
5 an alternative formula.]

6 Section 2003-A. Purposes and General Powers.--* * *

7 (b) The system is hereby granted and shall have and may
8 exercise all the powers necessary or convenient for the carrying
9 out of the aforesaid purposes, including, but without limiting
10 the generality of the foregoing, the following rights and
11 powers:

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

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

14 (3) To acquire, purchase, hold, lease [as lessee] and use
15 any property, real, personal or mixed, tangible or intangible,
16 or any interest therein, necessary or desirable for carrying out
17 the purposes of the system, and to sell, [lease as lessor,]
18 transfer and dispose of any property [other than real property]
19 or any interest therein at any time acquired by it and to take,
20 demand, receive and possess all moneys and goods which shall be
21 appropriated, given or granted to for the use of the system and
22 to apply the same according to the will of the donors; and by
23 gift, purchase or devise to receive, possess, enjoy and retain
24 forever any and all real and personal estate and funds, of
25 whatsoever kind, nature or quality the same may be, in special
26 trust and confidence that the same, and the profits thereof,
27 shall be applied to and for the use and purpose of endowing the
28 system, and shall have power to receive donations from any
29 source whatever, to be exclusively devoted to the purposes of
30 the system or according to the terms of donation: Provided,

1 however, That the system shall have no power at any time or in
2 any manner, to pledge the credit or taxing power of the
3 Commonwealth, nor shall any of its obligations or debts be
4 deemed to be obligations of the Commonwealth, nor shall the
5 Commonwealth be liable for the payment of principal or interest
6 on such obligations. Nothing herein shall empower the Board of
7 Governors or the chancellor to take or receive any moneys, goods
8 or other property, real or personal, which is given or granted
9 to specific institutions.

10 * * *

11 Section 3. The act is amended by adding a section to read:

12 Section 2003-A.1. Contracts for Maintenance Projects.--(a)
13 The State System of Higher Education is hereby authorized to
14 execute contracts without regard to the source of funds
15 necessary for the performance of maintenance projects to the
16 extent that each contract does not exceed one hundred thousand
17 dollars (\$100,000). This limit shall be adjusted annually in
18 accordance with the Composite Construction Cost Index
19 established by the Federal Department of Commerce. Prior to
20 bidding, a contract which exceeds the amount annually authorized
21 by this section shall be presented to the Department of General
22 Services for ninety (90) days for review and approval or
23 disapproval. All contracts, regardless of their amount, shall be
24 recorded with the Department of General Services.

25 (b) Upon the request of the Department of General Services,
26 the State System of Higher Education shall provide updated
27 plans, drawings and specifications for any contracted work.

28 (c) For maintenance projects not authorized by this act and
29 for any contracts involving architectural or engineering
30 considerations, contract specifications must be reviewed and

1 approved by the Department of General Services.

2 (d) Upon the request of the State System of Higher
3 Education, the Department of General Services shall execute and
4 administer, without charge, contracts for maintenance projects.

5 (e) Nothing in this section shall be construed as amending,
6 repealing or otherwise modifying the provisions of the act of
7 May 1, 1913 (P.L.155, No.104), entitled "An act regulating the
8 letting of certain contracts for the erection, construction, and
9 alteration of public buildings," or the act of August 15, 1961
10 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage
11 Act."

12 Section 4. Sections 2004-A and 2006-A(b) of the act, added
13 November 12, 1982 (P.L.660, No.188), are amended to read:

14 Section 2004-A. Board of Governors.--(a) The system shall
15 be governed and all of its corporate powers exercised by the
16 Board of Governors, which shall consist of [sixteen (16)] twenty
17 (20) members to be appointed as follows:

18 (1) The Governor, or his designee.

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

20 (3) One (1) Senator designated by the President pro tempore
21 of the Senate.

22 (4) One (1) Senator designated by the Minority Leader of the
23 Senate.

24 (5) One (1) Representative designated by the Speaker of the
25 House of Representatives.

26 (6) One (1) Representative designated by the Minority Leader
27 of the House of Representatives.

28 [(3)] (7) Fourteen (14) members shall be appointed by the
29 Governor with the advice and consent of the Senate of which
30 [initially five (5)] six (6) shall be selected from the [persons

1 who are serving on the effective date of this act as members of
2 the Board of State College and University Directors, established
3 by section 4, act of February 17, 1970 (P.L.24, No.13)] citizens
4 of the Commonwealth. Three (3) members of the fourteen (14)
5 shall be students appointed by the Governor without the
6 necessity of Senate confirmation whose terms shall expire upon
7 graduation [or], separation or failure to maintain good academic
8 standards at their institution and five (5) of the fourteen (14)
9 who shall be appointed by the Governor shall be trustees of
10 constituent institutions, however, no more than one trustee
11 representing a constituent institution. The student members
12 shall be selected from the presidents of the local campus
13 student government associations, or their local equivalent.

14 (b) All members of the board appointed by the Governor,
15 except for the students, shall serve for terms of four (4)
16 years[: Provided, however, That of the governors first
17 appointed, five (5) shall serve until December 31, 1984, and six
18 (6) shall serve until December 31, 1986]. The Governor and
19 Secretary of Education shall serve so long as they continue in
20 office. Members of the board appointed from the General Assembly
21 shall serve a term of office concurrent with their respective
22 elective terms as members of the General Assembly.

23 (c) The Governor or his designee, and the Secretary of
24 Education or his designee, and the members of the General
25 Assembly shall be members of the board and shall be entitled to
26 attend all meetings of the board and shall have the right to
27 speak on all matters before the board, and to vote, but shall
28 not be elected as an officer of the board.

29 (d) The board shall elect one (1) of its members to serve as
30 its chairperson at the pleasure of the board. Members shall

1 receive no compensation for their services but shall be
2 reimbursed for the expenses necessarily incurred by them in the
3 performance of their duties. The board shall meet quarterly and
4 additionally at the call of the chairperson, or upon request of
5 six (6) members of the board.

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

9 (f) Student members of the Board of Governors shall not be
10 subject to Senate confirmation.

11 Section 2006-A. Powers and Duties of the Board of
12 Governors.--* * *

13 (b) The Board of Governors shall provide for the holding of
14 regular and special meetings. [Ten (10)] Eleven (11) governors
15 attending shall constitute a quorum for the transaction of any
16 business and, unless a greater number is required by the bylaws
17 of the board, the act of a majority of the governors present at
18 any meeting shall be deemed the act of the board.

19 Section 5. Section 2008-A of the act, amended July 1, 1985
20 (P.L.103, No.31), is amended to read:

21 Section 2008-A. Councils of Trustees.--(a) The council of
22 each of the institutions shall consist of eleven (11) members
23 who, except for student members, shall be nominated and
24 appointed by the Governor with the advice and consent of the
25 Senate. At least two (2) members of the eleven (11) member
26 council of trustees shall be alumni of the institution.

27 (b) Ten (10) members of each council shall serve terms of
28 six (6) years, respectively, and until their respective
29 successors are duly appointed and qualified. One (1) member of
30 each council shall be a full-time undergraduate student in good

1 academic standing, other than freshman, enrolled for at least
2 twelve (12) semester hours at the institution of which he is a
3 trustee[, who carries a grade point average of at least 2.0, or
4 its equivalent, for each semester prior to his appointment]. The
5 student member shall serve a term of three (3) years or for so
6 long as he is a full-time undergraduate student in attendance at
7 the institution of which he is a trustee, whichever period is
8 shorter[, if he continues to maintain a grade point average of
9 at least 2.0, or its equivalent, for each semester he serves as
10 a council member] and is in good academic standing. Vacancies
11 occurring before the expiration of the term of any member shall
12 be filled in like manner for the unexpired term. Student members
13 of the Council of Trustees shall be appointed by the Governor
14 and shall not be subject to Senate confirmation.

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

19 (d) Six (6) members of a council shall constitute a quorum.
20 Each council shall select from its members a chairperson and a
21 secretary to serve at the pleasure of the council. Each council
22 shall meet at least quarterly, and additionally at the call of
23 the president, or its chairperson, or upon request of three (3)
24 of its members.

25 Section 6. Sections 2010-A(2) and 2011-A of the act, added
26 November 12, 1982 (P.L.660, No.188), are amended to read:

27 Section 2010-A. Power and Duties of Institution
28 Presidents.--The president of each institution shall be
29 appointed by the board. The president shall be the chief
30 executive officer of that institution. He shall have the right

1 to attend all meetings of the council of that institution and
2 shall have the right to speak on all matters before the council
3 but not to vote. Subject to the stated authority of the board
4 and the council, each president shall have the power and his
5 duties shall be:

6 * * *

7 (2) To make and implement specific campus policies
8 pertaining to instructional programs, research programs and
9 public service programs and [after consultation with the
10 council, faculty and students define] academic standards in
11 accordance with policies of the board following consultation
12 with the council, faculty and students.

13 * * *

14 Section 2011-A. Rental Fees and Other Charges.--(a) In
15 addition to rental fees fixed, charged and collected in the
16 manner provided by law from each student residing in State-owned
17 or State-leased residential facilities at an institution for the
18 maintenance and operation of such facilities, a sum [of not more
19 than three dollars (\$3) per week] shall be fixed by the
20 president with approval of the Council of Trustees and, charged
21 and collected from each such person as an additional rental fee.
22 Such additional rental fees shall be [paid to the Commonwealth
23 and shall be] credited to a Reserve Fund for contingencies and
24 capital replacements.

25 (b) In addition to the other fees from time to time fixed,
26 charged and collected in the manner provided by law, a fee of
27 ten dollars (\$10) per semester of eighteen (18) weeks and a
28 proportionate fee for each trimester, quarter, term and summer
29 sessions of six (6) weeks or three (3) weeks shall be fixed,
30 charged and collected from each student while in attendance [at

1 a college which has constructed a student community building, or
2 at a college] at a university for which the General State
3 Authority has taken title to a student community building, which
4 fee shall be credited to the Department of General Services and
5 shall be fixed by the council of trustees in amounts sufficient
6 to meet rentals due to the General State Authority, pursuant to
7 contracts to lease student community buildings constructed by
8 the said authority for the use of the [State colleges] system
9 universities.

10 Section 5. This act shall take effect immediately.