
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1755

Session of
1987

INTRODUCED BY COWELL, COLAFELLA, E. Z. TAYLOR, EVANS, TELEK,
LESCOVITZ, HERMAN, TIGUE, LIVENGOOD, WASS, DAVIES, KOSINSKI,
COY, DALEY, LINTON, CLARK AND FATTAH, SEPTEMBER 29, 1987

SENATOR HESS, EDUCATION, IN SENATE, RE-REPORTED AS AMENDED,
MAY 17, 1988

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

1 meaning:

2 * * *

3 (19) "Maintenance projects" shall mean those activities,
4 materials, labor and contracts necessary to replace, restore,
5 refurbish or enhance real property ~~(except for architectural or~~ <—
6 engineering considerations) to include the following: painting;
7 WHICH DO NOT ALTER THE ARCHITECTURAL OR ENGINEERING <—
8 CHARACTERISTICS OF THE STRUCTURE, AS FOLLOWS: PAINTING; window
9 repair and replacement; roof repair and replacement; repointing
10 and masonry repair; downspout and gutters; landscaping;
11 roadways, parking facilities, track and athletic court
12 resurfacing and reconstruction; sidewalk and curbing
13 reconstruction and replacement; asbestos abatement (in
14 accordance with all State and Federal statutes and regulations);
15 caulking and insulation; and replacement, reconstruction and
16 construction of non-load bearing INTERIOR walls. The Department <—
17 of General Services may define additional maintenance projects
18 on a case-by-case basis. No such project shall affect the
19 structural integrity of any existing facility or utility system.

20 Section 2. ~~Sections 2002 A(b) and 2003 A(b)~~ SECTION 2002- <—
21 A(B) of the act, added November 12, 1982 (P.L.660, No.188), are <—
22 IS amended to read: <—

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

25 (b) Each of the said institutions shall hereafter be known
26 as the (Name) University of Pennsylvania of the State System of
27 Higher Education, except for Indiana University of Pennsylvania,
28 which shall retain its name. As successor institutions to the
29 State Normal Schools, appropriations for their operation are
30 ordinary expenses of government, requiring only a majority vote

1 of each House of the General Assembly. The State System of
2 Higher Education shall have the same preferred status for
3 appropriations as is enjoyed by its constituent institutions.
4 State funds appropriated to the system shall be allocated to the
5 individual institutions on a formula based on, but not limited
6 to, such factors as enrollments, degrees granted and programs.
7 [The current allocation formula employed by the Department of
8 Education shall be continued until and unless the board adopts
9 an alternative formula.]

10 ~~Section 2003 A. Purposes and General Powers. * * *~~ <—

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

16 ~~(1) To have perpetual existence as a corporation.~~

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

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

1 ~~shall be applied to and for the use and purpose of endowing the~~
2 ~~system, and shall have power to receive donations from any~~
3 ~~source whatever, to be exclusively devoted to the purposes of~~
4 ~~the system or according to the terms of donation: Provided,~~
5 ~~however, That the system shall have no power at any time or in~~
6 ~~any manner, to pledge the credit or taxing power of the~~
7 ~~Commonwealth, nor shall any of its obligations or debts be~~
8 ~~deemed to be obligations of the Commonwealth, nor shall the~~
9 ~~Commonwealth be liable for the payment of principal or interest~~
10 ~~on such obligations. Nothing herein shall empower the Board of~~
11 ~~Governors or the chancellor to take or receive any moneys, goods~~
12 ~~or other property, real or personal, which is given or granted~~
13 ~~to specific institutions.~~

14 * * *

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

16 Section 2003-A.1. Contracts for Maintenance Projects.--(a)
17 The State System of Higher Education is hereby authorized to
18 execute contracts without regard to the source of funds
19 necessary for the performance of maintenance projects to the
20 extent that each contract THE AGGREGATE PROJECT COST FOR SINGLE <—
21 OR MULTIPLE CONTRACTED WORK does not exceed one hundred thousand
22 dollars (\$100,000). This limit shall be adjusted annually in
23 accordance with the Composite Construction Cost Index
24 established by the Federal Department of Commerce. Prior to
25 bidding, a contract which exceeds the amount annually authorized
26 by this section shall be presented to the Department of General
27 Services for ninety (90) days for review and approval or
28 disapproval. All contracts, regardless of their amount, shall be
29 recorded with the Department of General Services PRIOR TO <—
30 BIDDING.

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

4 ~~(c) For maintenance projects not authorized by this act and~~ <—
5 ~~for any~~ (C) FOR ANY PROJECTS OR contracts involving <—
6 architectural or engineering considerations OR WHICH MAY AFFECT <—
7 STRUCTURAL INTEGRITY, contract specifications must be reviewed
8 and approved by the Department of General Services.

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

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

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

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

25 (1) The Governor, or his designee.

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

27 (3) One (1) Senator ~~designated~~ APPOINTED by the President <—
28 pro tempore of the Senate.

29 (4) One (1) Senator ~~designated~~ APPOINTED by the Minority <—
30 Leader of the Senate.

1 (5) One (1) Representative ~~designated~~ APPOINTED by the <—
2 Speaker of the House of Representatives.

3 (6) One (1) Representative ~~designated~~ APPOINTED by the <—
4 Minority Leader of the House of Representatives.

5 [(3)] (7) Fourteen (14) members shall be appointed by the
6 Governor with the advice and consent of the Senate of which
7 [initially five (5)] six (6) shall be selected from the [persons
8 who are serving on the effective date of this act as members of
9 the Board of State College and University Directors, established
10 by section 4, act of February 17, 1970 (P.L.24, No.13)] citizens
11 of the Commonwealth. Three (3) members of the fourteen (14)

12 shall be students ~~appointed by the Governor without the~~ <—
13 ~~necessity of Senate confirmation~~ whose terms shall expire upon
14 graduation [or], separation or failure to maintain good academic
15 standards at their institution and five (5) of the fourteen (14)
16 ~~who shall be appointed by the Governor~~ shall be trustees of <—
17 constituent institutions, however, no more than one trustee
18 representing a constituent institution. The student members
19 shall be selected from the presidents of the local campus
20 student government associations, or their local equivalent.

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

30 (c) The Governor or his designee, and the Secretary of

1 Education or his designee, and the members of the General
2 Assembly shall be members of the board and shall be entitled to
3 attend all meetings of the board and shall have the right to
4 speak on all matters before the board, and to vote, but shall
5 not be elected as an officer of the board.

6 (d) The board shall elect one (1) of its members to serve as
7 its chairperson at the pleasure of the board. Members shall
8 receive no compensation for their services but shall be
9 reimbursed for the expenses necessarily incurred by them in the
10 performance of their duties. The board shall meet quarterly and
11 additionally at the call of the chairperson, or upon request of
12 six (6) members of the board.

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

16 ~~(f) Student members of the Board of Governors shall not be~~ <—
17 ~~subject to Senate confirmation.~~

18 Section 2006-A. Powers and Duties of the Board of
19 Governors.--* * *

20 (b) The Board of Governors shall provide for the holding of
21 regular and special meetings. [Ten (10)] Eleven (11) governors
22 attending shall constitute a quorum for the transaction of any
23 business and, unless a greater number is required by the bylaws
24 of the board, the act of a majority of the governors present at
25 any meeting shall be deemed the act of the board.

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

28 Section 2008-A. Councils of Trustees.--(a) The council of
29 each of the institutions shall consist of eleven (11) members
30 who, except for student members, shall be nominated and

1 appointed by the Governor with the advice and consent of the
2 Senate. At least two (2) members of the eleven (11) member
3 council of trustees shall be alumni of the institution.

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

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

27 (d) Six (6) members of a council shall constitute a quorum.
28 Each council shall select from its members a chairperson and a
29 secretary to serve at the pleasure of the council. Each council
30 shall meet at least quarterly, and additionally at the call of

1 the president, or its chairperson, or upon request of three (3)
2 of its members.

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

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

14 * * *

15 (2) To make and implement specific campus policies
16 pertaining to instructional programs, research programs and
17 public service programs and [after consultation with the
18 council, faculty and students define] academic standards in
19 accordance with policies of the board following consultation
20 with the council, faculty and students.

21 * * *

22 Section 2011-A. Rental Fees and Other Charges.--(a) In
23 addition to rental fees fixed, charged and collected in the
24 manner provided by law from each student residing in State-owned
25 or State-leased residential facilities at an institution for the
26 maintenance and operation of such facilities, a sum [of not more
27 than three dollars (\$3) per week] shall be fixed by the
28 president with approval of the Council of Trustees and, charged
29 and collected from each such person as an additional rental fee.
30 Such additional rental fees shall be [paid to the Commonwealth

1 and shall be] credited to a Reserve Fund for contingencies and
2 capital replacements.

3 (b) In addition to the other fees from time to time fixed,
4 charged and collected in the manner provided by law, a fee of
5 ten dollars (\$10) per semester of eighteen (18) weeks and a
6 proportionate fee for each trimester, quarter, term and summer
7 sessions of six (6) weeks or three (3) weeks shall be fixed,
8 charged and collected from each student while in attendance [at
9 a college which has constructed a student community building, or
10 at a college] at a university for which the General State
11 Authority has taken title to a student community building, which
12 fee shall be credited to the Department of General Services and
13 shall be fixed by the council of trustees in amounts sufficient
14 to meet rentals due to the General State Authority, pursuant to
15 contracts to lease student community buildings constructed by
16 the said authority for the use of the [State colleges] system
17 universities.

18 Section 5 7. This act shall take effect immediately.

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