

No. 1988-77

## AN ACT

HB 1755

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," further providing for allocations of State appropriations; increasing the size of the Board of Governors; further providing for student membership on the Board of Governors and the Council of Trustees; expanding the powers of institution presidents; and authorizing the State System of Higher Education to enter into contracts for maintenance projects to repair buildings and other facilities.

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

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

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

\* \* \*

**(19) "Maintenance projects" shall mean those activities, materials, labor and contracts necessary to replace, restore, refurbish or enhance real property which do not alter the architectural or engineering characteristics of the structure, as follows: painting; window repair and replacement; roof repair and replacement; repointing and masonry repair; downspout and gutters; landscaping; roadways, parking facilities, track and athletic court resurfacing and reconstruction; sidewalk and curbing reconstruction and replacement; asbestos abatement (in accordance with all State and Federal statutes and regulations); caulking and insulation; and replacement, reconstruction and construction of non-load bearing interior walls. The Department of General Services may define additional maintenance projects on a case-by-case basis. No such project shall affect the structural integrity of any existing facility or utility system.**

Section 2. Section 2002-A(b) of the act, added November 12, 1982 (P.L.660, No.188), is amended to read:

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

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

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

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

**Section 2003-A.1. Contracts for Maintenance Projects.**—(a) *The State System of Higher Education is hereby authorized to execute contracts without regard to the source of funds necessary for the performance of maintenance projects to the extent that the aggregate project cost for single or multiple contracted work does not exceed one hundred thousand dollars (\$100,000). This limit shall be adjusted annually in accordance with the Composite Construction Cost Index established by the Federal Department of Commerce. Prior to bidding, a contract which exceeds the amount annually authorized by this section shall be presented to the Department of General Services for ninety (90) days for review and approval or disapproval. All contracts, regardless of their amount, shall be recorded with the Department of General Services prior to bidding.*

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

(c) *For any projects or contracts involving architectural or engineering considerations or which may affect structural integrity, contract specifications must be reviewed and approved by the Department of General Services.*

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

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

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

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

- (1) The Governor, or his designee.
- (2) The Secretary of Education, or his designee.
- (3) *One (1) Senator appointed by the President pro tempore of the Senate.*

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

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

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

**[(3)] (7)** Fourteen (14) members shall be appointed by the Governor with the advice and consent of the Senate of which **[initially five (5)] six (6)** shall be selected from the **[persons who are serving on the effective date of this act as members of the Board of State College and University Directors, established by section 4, act of February 17, 1970 (P.L.24, No.13)] citizens of the Commonwealth**. Three (3) members of the fourteen (14) shall be students whose terms shall expire upon graduation **[or], separation or failure to maintain good academic standards at their institution** and five (5) of the fourteen (14) shall be trustees of constituent institutions, however, no more than one trustee representing a constituent institution. The student members shall be selected from the presidents of the local campus student government associations, or their local equivalent.

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

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

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

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

Section 2006-A. Powers and Duties of the Board of Governors.—\* \* \*

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

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

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

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

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

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

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

\* \* \*

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

\* \* \*

Section 2011-A. Rental Fees and Other Charges.—(a) In addition to rental fees fixed, charged and collected in the manner provided by law from each student residing in State-owned or State-leased residential facilities at

an institution for the maintenance and operation of such facilities, a sum [of not more than three dollars (\$3) per week] shall be fixed[,] *by the president, with approval of the Council of Trustees, and* charged and collected from each such person as an additional rental fee. Such additional rental fees shall be [paid to the Commonwealth and shall be] credited to a Reserve Fund for contingencies and capital replacements.

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

Section 7. This act shall take effect immediately.

APPROVED—The 23rd day of June, A. D. 1988.

ROBERT P. CASEY