AN ACT

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," in the State System of Higher Education, further providing for definitions, for establishment of the State System of Higher Education and its institutions, for purposes and general powers, for project contracts, for power and duties of institution presidents, for method of disposition and consideration by the General Assembly and for campus police powers and duties.

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 paragraphs 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:
(10.1) "Non-State-appropriated funds" shall mean any funds that the system or an institution receives or are generated from other sources, such as gifts, tuition, student fees, including student activity fees, grants and assistance from Federal and State agencies, a local political subdivision, foundations, corporations or any other source.

(13.1) "State-appropriated funds" shall mean any funds appropriated to the system by the General Assembly.

Section 2. Section 2002-A of the act is amended to read:

Section 2002-A. Establishment of the State System of Higher Education and its Institutions.--(a) Subject to the regulatory powers conferred by law upon the State Board of Education, there is hereby established a body corporate and politic constituting a public corporation and government instrumentality that enjoys sovereign immunity and official immunity and remains immune from suit as the General Assembly may specifically waive immunity, which shall be known as the State System of Higher Education, independent of the Department of Education, hereinafter referred to as the system, which shall consist of the following institutions and such other institutions, presently existing or newly created, as may hereafter be admitted by the board in concurrence with other agencies as required by law:

(1) Bloomsburg [State College] University of Pennsylvania;
(2) California [State College] University of Pennsylvania;
(3) Cheyney [State College] University of Pennsylvania;
(4) Clarion [State College] University of Pennsylvania;
(5) East Stroudsburg [State College] University of Pennsylvania;
Pennsylvania;

(6) Edinboro [State College] University of Pennsylvania;
(7) Indiana University of Pennsylvania;
(8) Kutztown [State College] University of Pennsylvania;
(9) Lock Haven [State College] University of Pennsylvania;
(10) Mansfield [State College] University of Pennsylvania;
(11) Millersville [State College] University of Pennsylvania;
(12) Shippensburg [State College] University of Pennsylvania;
(13) Slippery Rock [State College] University of Pennsylvania; and
(14) West Chester [State College] University of Pennsylvania.

(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] each of the institutions' 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] Except for funds allocated for system expenditures on behalf of the system's institutions, the system shall allocate State-appropriated funds to the individual institutions on a formula based on, but not limited to, such factors as enrollments, degrees granted and programs.

(c) The procurement of goods, services, supplies and
construction procured for or by the system or institutions with State-appropriated funds shall comply with the provisions of 62 Pa.C.S. (relating to procurement). The procurement of goods, services, supplies and construction procured for or by the system or institutions with non-State-appropriated funds shall not be subject to the provisions of 62 Pa.C.S., but shall comply with board policy.

(d) As a government instrumentality of the Commonwealth, any real property owned and titled to the system shall be immune from taxation. Local regulation of real property owned and titled to the system may only occur based upon a specific grant of authority to a local subdivision by the General Assembly.

Section 3. Section 2003-A(a) and (b)(3) of the act are amended and subsection (b) is amended by adding a paragraph to read:

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

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

* * *

(3) To acquire, purchase, hold, lease as lessee and use any property, real, personal or mixed, tangible or intangible, or any interest therein, lease as lessor any property, real, personal or mixed, tangible or intangible, necessary or desirable for carrying out the purposes of the system, and to sell, transfer and dispose of any property acquired by gift, grant, devise or bequest, whether the property is real, personal or mixed, tangible or intangible, or any interest therein; to take, demand, receive and possess all moneys, real property and goods which shall be appropriated, given or granted to for the use of the system and to apply the same according to the will of the donors; to sell, transfer and dispose of real property acquired by and titled to the system [upon approval by the General Assembly] as provided in [section 2018-A] subsection (b.1); and by gift, purchase or devise to receive, possess, enjoy and retain forever any and all real and personal estate and funds, of whatsoever kind, nature or quality the same may be, in special trust and confidence that the same, and the profits thereof, shall be applied to and for the use and purpose of endowing the system, and shall have power to receive donations from any source whatever, to be exclusively devoted to
the purposes of the system or according to the terms of
donation: Provided, however, That the system shall have no power
at any time or in any manner, to indemnify third parties, to
pledge the credit or taxing power of the Commonwealth, nor shall
any of its obligations or debts be deemed to be obligations of
the Commonwealth, nor shall the Commonwealth be liable for the
payment of principal or interest on such obligations. [Nothing
herein shall empower the Board of Governors or the chancellor to
take or receive any moneys, goods or other property, real or
personal, which is given or granted to specific institutions.]

(4) To sell, transfer or dispose of real property titled to
the system to an individual, organization, firm or corporation,
political subdivision of the Commonwealth or the Government of
the United States or a branch or agency thereof.

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Section 4. Section 2003-A.1(b), (c.2), (d), (e) and (f) of
the act are amended to read:

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

[(b) The system shall review the work, experience and
qualifications of architects and engineers seeking contracts
from the system under this section and, on the basis of merit,
select and appoint architects and engineers for the design,
contract administration and, at the system's discretion,
inspection of a project authorized by this section. The board
shall give public notice in the manner provided by law of
projects which require the services of architects and engineers.
The board shall include, but not be limited to, consideration of
the following factors in the selection of architects and
engineers:

(1) equitable distribution of contracts among qualified
architects and engineers;
(2) capability to perform the design and construction services for the contract being considered;
(3) geographic proximity of the architect or engineer to the proposed facility;
(4) ability of the architect or engineer to furnish the necessary available manpower to perform the services required by the project; and
(5) any other related circumstances peculiar to the proposed contract.

(c.2) All contracts, other than contracts for the retention of architects and engineers or contracts procured with non-State-appropriated funds, authorized by this section which exceed a base amount of eighteen thousand five hundred dollars ($18,500), subject to adjustment under subsection (c.3), shall be advertised in the manner provided by law and competitively bid and awarded to the lowest responsible bidder. In case of emergencies and notwithstanding any other provision of this section to the contrary, the chancellor may make or authorize others to make an emergency procurement whenever a threat exists to public health, welfare or safety or circumstances outside the control of the State system and creates an urgency of need which does not permit the delay involved in using more formal competitive methods. Whenever practical, in the case of a procurement of a supply, at least two (2) bids shall be solicited. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file.

* * *

[(d) The power and authority granted by this section shall
not be exercised by the system, the board or an institution for
a project to modify, repair or renovate any facility erected by
the Department of General Services unless prior written notice
setting forth the nature, scope, extent and description of such
project has been given to the Department of General Services.]

(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." The act of May 1, 1913 (P.L.155, No.104), referred to as
the "Separations Act," shall not apply to any person, entity,
contract or activity provided for by this article.

(f) The system is authorized to transfer and convey any
easements or licenses [necessitated by any construction project
which has been previously authorized by the board] as necessary.

Section 5. Section 2010-A of the act is amended by adding a
paragraph 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 following powers
and duties:

* * *

(10.2) The provisions of subsection (10.1) shall only apply
to contracts purchased with State-appropriated funds.

* * *

Section 6. Section 2018-A of the act is amended to read:

[Section 2018-A. Method of Disposition; Consideration by the General Assembly.--(a) Whenever the system deems that it is necessary or desirable to sell, transfer or dispose of real property acquired by and titled to it, it shall request authorization from the General Assembly to sell, transfer or dispose of said real property; and from time to time, as necessary, the system shall submit to the Chief Clerk of the House of Representatives and the Secretary of the Senate requests to sell, transfer or dispose of real property acquired by and titled to the system for consideration by the General Assembly.

(b) Each request for authorization to sell, transfer or dispose of real property transmitted to the General Assembly shall be proposed as a resolution, and shall be placed on the calendar of each house for the next legislative day following its receipt, and shall be considered by each house within thirty (30) calendar days of continuous session of the General Assembly.

(c) Each request for authorization to sell, transfer or dispose of real property shall take effect if it is approved by a majority vote of the duly elected membership of each house during such thirty-day period or may be disapproved by either house during that period by a majority vote of the duly elected membership of each house.

(d) No resolution shall be effective:

(1) unless it designates the number of the request for authorization to sell, transfer or dispose of real property and
the date on which it was transmitted to the General Assembly; or

(2) if it specifies more than one request for authorization
to sell, transfer or dispose of real property except as
otherwise provided by subsection (g) of this section.

(e) The effective date of each request for authorization to
sell, dispose or transfer real property shall be the date of
approval of the last of the two houses to act. Upon the
expiration of the thirty-day period after the delivery of the
request for authorization to sell, dispose or transfer real
property to the two Houses of the General Assembly and the
failure to act as provided in subsection (c) of this section,
each request for authorization to sell, dispose or transfer real
property shall become effective.

(f) For the purposes of subsection (b) of this section:
(1) Continuity of session shall be considered as broken only
by an adjournment of the General Assembly sine die.
(2) In the computation of the thirty-day period, there shall
be excluded the days on which either house is not in session
because of an adjournment of more than ten (10) days to a day
certain.

(g) Any provision of the request for authorization to sell,
dispose or transfer real property may, under provisions
contained therein, be made operative at a time later than the
date on which the request for authorization to sell, transfer or
dispose of real property otherwise takes effect.

Section 7. Section 2019-A of the act is amended by adding a
subsection to read:

Section 2019-A. Campus Police Powers and Duties.--* * *
(d) Campus police are authorized to disseminate
investigative information as defined in 18 Pa.C.S. § 9102.
(relating to definitions) to university officials for use in student disciplinary matters subject to 22 Pa. Code Ch. 505 (relating to student personnel). Notwithstanding the exception contained in this section, all other provisions of 18 Pa.C.S. Ch. 91 (relating to criminal history record information) shall apply to campus police.

Section 8. All acts and parts of acts are repealed and all regulations and parts of regulations are abrogated insofar as they are inconsistent with this act.

Section 9. This act shall apply to contracts and purchases advertised on or after January 1 of the year following the effective date of this section.

Section 10. This act shall take effect as follows:

(1) The addition of section 2002-A(c) of the act shall take effect January 1 of the year following the effective date of this section.

(2) The remainder of this act shall take effect in 60 days.