



# Senate Education Committee

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## **BILL SUMMARY**

**Senate Bill 1211, Printer's No. 1524**

**Prime Sponsor: M.J. White**

### **A. SYNOPSIS:**

Senate Bill 1211 would amend the Pennsylvania Public School Code (School Code) to allow the Pennsylvania State System of Higher Education (PASSHE) to undertake capital projects funded by Commonwealth general obligation bonds, by capital appropriations or under Article XVI-B of the Fiscal Code ("Borrowing for Capital Facilities") if PASSHE provides the Department of General Services (DGS) with written notice.

### **B. BILL ANALYSIS:**

Senate Bill 1211 would amend section 2003-A.1 of the School Code, which gives PASSHE authority to execute and administer construction, repair, renovation and maintenance projects.

First, the bill would remove a provision in subsection (a) prohibiting PASSHE from undertaking capital projects that are funded by Commonwealth general obligation bonds or capital appropriations or pursuant to Article XVI-B of the Fiscal Code, unless DGS delegates responsibility for undertaking such a project to PASSHE.

Second, the bill would add a new subsection (a.1) to section 2003-A.1, which would specifically allow PASSHE to undertake projects that are funded by Commonwealth general obligation bonds or capital appropriations or pursuant to Article XVI-B of the Fiscal Code, if PASSHE provides DGS with written notice of its management of the project.

Finally, the bill would amend subsection (d) to section 2003-A.1, which currently provides that PASSHE shall not exercise the power to execute and administer construction, repair, renovation and maintenance projects unless prior written notice setting forth the nature, scope, extent and description of such project has been given to DGS, to provide instead that PASSHE may exercise such power if prior written notice has been given to DGS.

The bill would take effect immediately upon enactment.

### **C. SUMMARY OF RELEVANT EXISTING LAW:**

Under current law, PASSHE may not undertake capital projects that are funded by Commonwealth general obligation bonds or capital appropriations or pursuant to Article XVI-B of the Fiscal Code unless DGS delegates this authority to PASSHE. Further, PASSHE may not execute and administer any construction, repair, renovation and maintenance projects unless prior written notice setting forth the nature, scope, extent and description of the project has been given to PASSHE.

## LEGISLATIVE REFERENCE BUREAU

## AMENDMENTS TO SENATE BILL NO. 1211

Sponsor:

Printer's No. 1524

1 Amend Bill, page 1, line 5, by inserting after "thereto,"

2 in State System of Higher Education,

3 Amend Bill, page 2, line 8, by striking out "appropriation"

4 and inserting

5 appropriations

6 Amend Bill, page 2, line 12, by striking out "to manage such

7 a project" and inserting

8 of its management of such projects

9 Amend Bill, page 2, line 13, by striking out "a project" and

10 inserting

11 projects

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1211 Session of 2011

INTRODUCED BY M. WHITE, PICCOLA, DINNIMAN, ALLOWAY, GREENLEAF, EARLL, MENSCH, D. WHITE, BAKER, ERICKSON, FOLMER AND PILEGGI, SEPTEMBER 16, 2011

REFERRED TO EDUCATION, SEPTEMBER 16, 2011

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 project  
 6 contracts.

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

9 Section 1. Section 2003-A.1(a) and (d) of the act of March  
 10 10, 1949 (P.L.30, No.14), known as the Public School Code of  
 11 1949, amended July 11, 1990 (P.L.424, No.103), are amended and  
 12 the section is amended by adding a subsection to read:

13 Section 2003-A.1. Project Contracts.--(a) The State System  
 14 of Higher Education is hereby authorized to execute and  
 15 administer contracts for construction, repair, renovation and  
 16 maintenance projects within the meaning of section 2401.1 of the  
 17 act of April 9, 1929 (P.L.177, No.175), known as "The  
 18 Administrative Code of 1929," including all aspects of project  
 19 management, design and construction and legal and administrative

1 services related to and necessary for the completion of such  
2 projects[, except capital projects which are funded by  
3 Commonwealth general obligation bonds, capital appropriations or  
4 pursuant to Article XVI-B of the act of April 9, 1929 (P.L.343,  
5 No.176), known as "The Fiscal Code," unless delegated by the  
6 Department of General Services to the system].

7 (a.1) Capital projects which are funded by Commonwealth  
8 general obligation bonds, capital appropriation or pursuant to  
9 Article XVI-B of the act of April 9, 1929 (P.L.343, No.176),  
10 known as "The Fiscal Code," may be undertaken pursuant to  
11 subsection (a) where the system provides the Department of  
12 General Services with written notice to manage such a project;  
13 otherwise, responsibility for such a project shall remain with  
14 the Department of General Services.

15 \* \* \*

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

23 \* \* \*

24 Section 2. This act shall take effect immediately.