

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1449 Session of
2001

INTRODUCED BY STAIRS, KREBS, COLAFELLA, FLEAGLE, FLICK, HERMAN,
McILHATTAN, R. MILLER, NAILOR, T. STEVENSON, CURRY, GRUCELA,
ROBINSON, ROEBUCK, STEELMAN, STURLA, C. WILLIAMS, BELFANTI,
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DeLUCA, FRANKEL, GEIST, GEORGE, HARHAI, HESS, JAMES, JOSEPHS,
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RUBLEY, SATHER, SAYLOR, SEMMEL, SHANER, B. SMITH,
E. Z. TAYLOR, THOMAS, TIGUE, TRELLO, TRICH, WALKO, WANSACZ,
WILT, WOJNAROSKI, YOUNGBLOOD, YUDICHAK AND HORSEY,
APRIL 26, 2001

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 20, 2001

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," providing for the establishment,
6 membership and powers and duties of the Master Plan for
7 Higher Education Review Committee; and further providing for
8 the adoption of the master plan.

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

11 Section 1. Section 2601-B of the act of March 10, 1949
12 (P.L.30, No.14), known as the Public School Code of 1949, is
13 amended by adding a clause to read:

14 Section 2601-B. Definitions.--When used in this article the
15 following words and phrases shall have the following meanings:

16 * * *

1 (3) "Committee" shall mean the Master Plan for Higher
2 Education Review Committee established under section 2604.1-B.

3 Section 2. Section 2603-B(h) of the act, added March 30,
4 1988 (P.L.321, No.43), is amended to read:

5 Section 2603-B. Powers and Duties of the Board.--* * *

6 (h) [Every] At least every five (5) years, the board shall
7 [adopt] transmit a proposed master plan for higher education
8 [which shall be for the guidance of the Governor, and all
9 institutions of higher education financed wholly or in part from
10 State appropriations] as provided in section 2604.3-B, to the
11 Master Plan for Higher Education Review Committee for its
12 review. The proposed master plan shall:

13 (1) define the role of each type of institution (State-owned
14 universities, State-related universities, community colleges,
15 private colleges and universities and off-campus centers of any
16 of these and other institutions authorized to grant degrees) in
17 this Commonwealth;

18 (2) recommend enrollment levels for each such institution;

19 (3) recommend methods for governance;

20 (4) recommend methods for the distribution of State funds
21 among the institutions;

22 (5) evaluate the status of physical plants and technical
23 equipment and project needs;

24 (6) evaluate the status of and projection of manpower needs;

25 (7) evaluate enrollment accessibility to institutions of
26 higher learning by the public; and

27 (8) otherwise provide for an orderly development of
28 institutions of higher education in this Commonwealth.

29 * * *

30 Section 3. The act is amended by adding sections to read:

1 Section 2604.1-B. Master Plan for Higher Education Review
2 Committee.--(a) There is hereby created a committee to be known
3 as the Master Plan for Higher Education Review Committee.

4 (b) The committee shall consist of fifteen (15) members
5 appointed as follows:

6 (1) The Secretary of Education or a designee.

7 (2) The chairperson of the State Board of Education or a
8 designee.

9 (3) Two (2) senators appointed by the President pro tempore
10 of the Senate. One (1) senator shall be a member at the time of
11 appointment of the Appropriations Committee of the Senate. The
12 second senator shall be a member at the time of appointment of
13 the Education Committee of the Senate.

14 (4) Two (2) senators appointed by the Minority Leader of the
15 Senate. One (1) senator shall be a member at the time of
16 appointment of the Appropriations Committee of the Senate. The
17 second senator shall be a member at the time of appointment of
18 the Education Committee of the Senate.

19 (5) Two (2) representatives appointed by the Speaker of the
20 House of Representatives. One (1) representative shall be a
21 member at the time of appointment of the Appropriations
22 Committee of the House of Representatives. The second
23 representative shall be a member at the time of appointment of
24 the Subcommittee on Higher Education of the Education Committee
25 of the House of Representatives.

26 (6) Two (2) representatives appointed by the Minority Leader
27 of the House of Representatives. One (1) representative shall be
28 a member at the time of appointment of the Appropriations
29 Committee of the House of Representatives. The second
30 representative shall be a member at the time of appointment of

the Subcommittee on Higher Education of the Education Committee of the House of Representatives.

(7) One (1) member shall be a president of a community college at the time of appointment, selected from a list submitted by the Pennsylvania Association of Colleges and Universities (PACU) and appointed by the Governor.

(8) One (1) member shall be a president of a State-owned college or university at the time of appointment, selected from a list submitted by PACU and appointed by the Governor.

(9) One (1) member shall be a president of a State-related college or university at the time of appointment, selected from a list submitted by PACU and appointed by the Governor.

(10) One (1) member shall be a president of an independent college or university at the time of appointment, selected from a list submitted by PACU and appointed by the Governor.

(11) One (1) member who shall represent proprietary institutions shall be selected from a list submitted by the Pennsylvania Association of Private School Administrators (PAPSA) and appointed by the Governor.

(c) Members appointed pursuant to this act shall hold office as follows: two (2) members chosen by lot shall hold office for an initial term of three (3) years, two (2) members chosen by lot shall hold office for an initial term of two (2) years and the remaining member shall hold office for an initial term of one (1) year each or until the member's successor has been appointed. An appointment to fill a vacancy shall be for the unexpired term or until the member's successor has been appointed. Subsequent appointments shall be for three (3) year terms.

(d) Legislative members shall hold office for two (2) year

terms ending at midnight on the thirtieth day of November of each even-numbered year.

(e) The President pro tempore of the Senate and the Speaker of the House of Representatives shall designate one (1) of the appointed members of the Senate and one (1) of the appointed members of the House of Representatives to serve as chairman and vice chairman, respectively. Thereafter, chairmanship and vice chairmanship shall alternate annually between the Senate and the House of Representatives. The first chairman shall be an appointed member of the House of Representatives and the first vice chairman shall be an appointed member of the Senate.

(f) Eight (8) members shall constitute a quorum. The affirmative vote of a majority of all the members of the committee duly recorded showing how each member voted shall be required in order to take action adopting statements of policy, standards, rules and regulations.

(g) The committee shall meet as necessary for the prompt discharge of its duties and shall adopt rules to govern its operation and organization.

(h) Legislative vacancies shall be filled by appointment by the presiding officer of the legislative chamber to which the vacating member was elected. The successor shall serve for the duration of the vacating member's term.

Section 2604.2-B. Purpose, Duties, Powers and Responsibilities of the Committee.--The committee at all times shall ensure that its mission is centered on providing a rational and effective approach to developing and implementing State policies pertaining to postsecondary education in this Commonwealth. To carry out its duties the committee shall have the following powers and responsibilities:

1 (1) Provide input to the State Board of Education with
2 respect to the master plan as well as review proposed master
3 plans as provided in section 2604.4-B.

4 (2) Approve, disapprove or recommend amendments to proposed
5 master plans as provided in sections 2604.5-B, 2604.6-B and
6 2604.7-B.

7 (3) Maintain liaison with the Department of Education and
8 the General Assembly on matters concerning the adoption of a
9 master plan.

10 Section 2604.3-B. Transmittal of a Proposed Master Plan.--
11 Whenever the board seeks to adopt a master plan, the board shall
12 place sufficient copies of the proposed master plan in the
13 possession of the chairperson of the committee. The transmittal
14 shall include:

15 (1) The text of the proposed master plan.

16 (2) A statement of the statutory authority under which the
17 master plan or change therein is proposed to be adopted.

18 (3) A brief explanation of the proposed master plan or
19 change therein and the justification therefor.

20 Section 2604.4-B. Review by Committee.--(a) The committee
21 shall complete its review of the proposed master plan within
22 thirty (30) legislative session days of the date of receipt of
23 copies of the proposal.

24 (b) The committee may hold hearings, take testimony and make
25 its review at such places within this Commonwealth as it deems
26 necessary.

27 Section 2604.5-B. Recommendation for Amendment.--(a) Upon
28 completion of its review of the proposed master plan in
29 accordance with the provisions of section 2604.4-B, the
30 committee shall notify the board of its findings and recommend

1 necessary amendments.

2 (b) The board, within twenty (20) calendar days of receiving
3 the committee's recommendation, may amend the proposed master
4 plan in accordance with the recommendation of the committee and
5 resubmit the proposed master plan to the committee for its AND <—
6 THE EDUCATION COMMITTEE OF THE SENATE AND THE EDUCATION
7 COMMITTEE OF THE HOUSE OF REPRESENTATIVES FOR review.

8 Section 2604.6-B. Approval of a Proposed Master Plan.--On
9 its determination that the proposed master plan should be
10 approved, the ~~committee's legislative members~~ THE CHAIRMAN OF <—
11 THE EDUCATION COMMITTEE OF THE SENATE OR THE CHAIRMAN OF THE
12 EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES shall,
13 within the review period, cause a concurrent resolution to be
14 introduced in the Senate or the House of Representatives
15 approving the proposed master plan, and upon the adoption of the
16 resolution, the committee shall notify the board. Upon notice,
17 the board shall adopt the master plan.

18 Section 2604.7-B. Disapproval of a Proposed Master Plan.--On
19 its determination that the proposed master plan should be
20 disapproved, the legislative members of the committee shall,
21 within the review period, cause a concurrent resolution to be
22 introduced in the Senate or the House of Representatives
23 disapproving the proposed master plan; and upon the adoption of
24 the resolution the committee shall notify the board. Upon notice
25 of disapproval, the board shall, within twenty (20) calendar
26 days, make modifications to the proposed master plan and
27 resubmit it to the committee for review.

28 Section 2604.8-B. Committee Inaction.--If the committee does
29 not cause a concurrent resolution to be introduced within the
30 review period, the board may thereafter adopt the master plan as

1 proposed.

2 Section 2604.9-B. Effect on Judicial Review.--(a) For
3 purposes of judicial review, committee inaction or the adoption
4 of a concurrent resolution of approval shall mean that the
5 master plan shall be for the guidance of the Governor, the
6 General Assembly and all institutions of higher education.

7 (b) Adoption of a concurrent resolution of disapproval shall
8 mean that the master plan shall not be for the guidance of the
9 Governor, the General Assembly and all institutions of higher
10 education.

11 Section 2604.10-B. Sine Die Session.--In the event of an
12 adjournment sine die of the General Assembly within its review
13 period, the board shall resubmit its proposed master plan upon
14 the reorganization of the General Assembly and its standing
15 committees. Once the proposed master plan is resubmitted, the
16 review provided by this act shall commence, and the master plan
17 adopted during the adjournment sine die shall expire fifteen
18 (15) calendar days after the reconvening of the General
19 Assembly, unless the master plan was approved in the manner
20 provided by this act.

21 Section 2604.11-B. Appropriations.--The General Assembly
22 shall appropriate moneys as necessary for the advancement of
23 this act.

24 Section 4. This act shall take effect July 1, 2001, or
25 immediately, whichever is later.