

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, BUNT, CALTAGIRONE, CAPPELLI, L. I. COHEN, COSTA, DALEY, DeLUCA, FRANKEL, GEIST, GEORGE, HARHAI, HESS, JAMES, JOSEPHS, LAUGHLIN, MANN, MARKOSEK, McCALL, MELIO, PRESTON, READSHAW, 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 RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, DECEMBER 11, 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~~ REVIEW COMMITTEE" shall mean the Master Plan
2 for Higher Education Review Committee established under section
3 2604.1-B.

4 Section 2. Section 2603-B(h) of the act, added March 30,
5 1988 (P.L.321, No.43), is amended to read:

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

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

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

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

20 (3) recommend methods for governance;

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

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

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

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

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

30 * * *

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

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

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

(1) The Secretary of Education or a designee.

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

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

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

(5) Two (2) representatives appointed by the Speaker of the House of Representatives. One (1) representative shall be a member at the time of appointment of the Appropriations Committee of the House of Representatives. The second 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.

(6) Two (2) representatives appointed by the Minority Leader of the House of Representatives. One (1) representative shall be a member at the time of appointment of the Appropriations

Committee of the House of Representatives. The second 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

1 terms.

2 (d) Legislative members shall hold office for two (2) year
3 terms ending at midnight on the thirtieth day of November of
4 each even-numbered year.

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

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

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

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

26 Section 2604.2-B. Purpose, Duties, Powers and
27 Responsibilities of the Committee.—The REVIEW COMMITTEE.--THE <—
28 REVIEW committee at all times shall ensure that its mission is
29 centered on providing a rational and effective approach to
30 developing and implementing State policies pertaining to

1 postsecondary education in this Commonwealth. To carry out its
2 duties the REVIEW committee shall have the following powers and <—
3 responsibilities:

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

7 (2) Approve, disapprove or recommend amendments to proposed
8 master plans. as provided in sections 2604.5 B, 2604.6 B and <—
9 2604.7 B.

10 (3) Maintain liaison with the Department of Education and
11 the General Assembly on matters concerning the adoption of a
12 master plan.

13 Section 2604.3-B. Transmittal of a Proposed Master Plan.--
14 Whenever the board seeks to adopt a master plan, the board shall
15 place sufficient copies of the proposed master plan in the
16 possession of the chairperson of the REVIEW committee. The <—
17 transmittal shall include:

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

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

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

23 Section 2604.4-B. Review by REVIEW Committee.--(a) The <—
24 REVIEW committee shall complete its review of the proposed <—
25 master plan within thirty (30) legislative session days of the
26 date of receipt of copies of the proposal.

27 (b) The REVIEW committee may hold hearings, take testimony <—
28 and make its review at such places within this Commonwealth as
29 it deems necessary.

30 Section 2604.5-B. Recommendation for Amendment.--(a) Upon

1 ~~completion of its~~ THE REVIEW COMMITTEE'S review of the proposed <—
2 master plan in accordance with the provisions of section 2604.4-
3 B, the REVIEW committee shall notify the board of its findings <—
4 and recommend necessary amendments.

5 (b) The board, within twenty (20) calendar days of receiving
6 the REVIEW committee's recommendation, may amend the proposed <—
7 master plan in accordance with the recommendation of the REVIEW <—
8 committee and ~~resubmit the proposed master plan to the committee~~ <—
9 ~~and the Education Committee of the Senate and the Education~~
10 ~~Committee of the House of Representatives for review.~~

11 ~~Section 2604.6 B. Approval of a Proposed Master Plan. On~~
12 ~~its determination that the proposed master plan should be~~
13 ~~approved, the chairman of the Education Committee of the Senate~~
14 ~~or the chairman of the Education Committee of the House of~~
15 ~~Representatives shall, within the review period, cause a~~
16 ~~concurrent resolution to be introduced in the Senate or the~~
17 ~~House of Representatives approving the proposed master plan, and~~
18 ~~upon the adoption of the resolution, the committee shall notify~~
19 ~~the board. Upon notice, the board shall adopt the master plan.~~

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

30 ~~Section 2604.8 B. Committee Inaction. If the committee does~~

~~not cause a concurrent resolution to be introduced within the review period, the board may thereafter adopt the master plan as proposed.~~ RESUBMIT THE PROPOSED MASTER PLAN TO THE REVIEW COMMITTEE. WITHIN TWENTY (20) CALENDAR DAYS, THE REVIEW COMMITTEE SHALL VOTE TO APPROVE OR DISAPPROVE THE MASTER PLAN WITH COMMENTS AND NOTIFY THE CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE AND THE CHAIRMAN OF THE EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES OF ITS DETERMINATION.

SECTION 2604.6-B. CONSIDERATION BY THE EDUCATION COMMITTEE OF THE SENATE AND THE EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES.--(A) UPON RECEIVING NOTIFICATION OF THE REVIEW COMMITTEE'S DETERMINATION, THE CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE AND THE CHAIRMAN OF THE EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES SHALL CAUSE THEIR RESPECTIVE COMMITTEES TO VOTE TO APPROVE OR DISAPPROVE THE PROPOSED MASTER PLAN WITHIN TWENTY (20) CALENDAR DAYS.

(B) IF THE COMMITTEES VOTE TO APPROVE THE PROPOSED MASTER PLAN, THE CHAIRMEN SHALL CAUSE A CONCURRENT RESOLUTION TO BE INTRODUCED IN THE SENATE AND THE HOUSE OF REPRESENTATIVES APPROVING THE PROPOSED MASTER PLAN. UPON ADOPTION OF THE RESOLUTIONS, THE PROPOSED MASTER PLAN SHALL BE DEEMED APPROVED AND THE BOARD SHALL ADOPT THE PROPOSED MASTER PLAN.

(C) IF THE COMMITTEES VOTE TO DISAPPROVE THE PROPOSED MASTER PLAN, THE CHAIRMEN SHALL CAUSE A CONCURRENT RESOLUTION TO BE INTRODUCED IN THE SENATE AND THE HOUSE OF REPRESENTATIVES DISAPPROVING THE PROPOSED MASTER PLAN. UPON ADOPTION OF THE RESOLUTIONS, THE BOARD SHALL WITHIN TWENTY (20) CALENDAR DAYS MAKE MODIFICATIONS TO THE PROPOSED MASTER PLAN AND RESUBMIT IT TO THE REVIEW COMMITTEE TO BEGIN THE REVIEW PROCESS.

(D) IF EITHER COMMITTEE DOES NOT AGREE TO APPROVE OR

1 DISAPPROVE THE PROPOSED MASTER PLAN, OR EITHER CONCURRENT
2 RESOLUTION IS NOT ADOPTED WITHIN NINETY (90) CALENDAR DAYS OF
3 ITS INTRODUCTION, THE PROPOSED MASTER PLAN SHALL BE DEEMED
4 APPROVED AND THE BOARD SHALL ADOPT THE PROPOSED MASTER PLAN.

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

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

14 Section 2604.10-B. Sine Die Session.--In the event of an
15 adjournment sine die of the General Assembly within its review <—
16 period, the board shall resubmit its proposed master plan upon
17 the reorganization of the General Assembly and its standing
18 committees. Once the proposed master plan is resubmitted, the
19 review provided by this act shall commence, and the master plan
20 adopted during the adjournment sine die shall expire fifteen
21 (15) calendar days after the reconvening of the General
22 Assembly, unless the master plan was approved in the manner
23 provided by this act. PRIOR TO THE APPROVAL OF THE PROPOSED <—
24 MASTER PLAN, THE BOARD SHALL RESUBMIT ITS PROPOSED MASTER PLAN
25 TO THE REVIEW COMMITTEE UPON REORGANIZATION OF THE GENERAL
26 ASSEMBLY.

27 Section 2604.11-B. Appropriations.--The General Assembly
28 shall appropriate moneys as necessary for the advancement of
29 this act.

30 Section 4. This act shall take effect July 1, 2001, or

1 immediately, whichever is later.