

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 AND YUDICHAK, APRIL 26, 2001

REFERRED TO COMMITTEE ON EDUCATION, APRIL 26, 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 \* \* \*

17 (3) "Committee" shall mean the Master Plan for Higher

1 Education Review Committee established under section 2604.1-B.

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

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

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

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

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

18 (3) recommend methods for governance;

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

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

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

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

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

28 \* \* \*

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

30 Section 2604.1-B. Master Plan for Higher Education Review

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

(b) The 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

1 of the House of Representatives.

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

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

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

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

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

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

29 (d) Legislative members shall hold office for two (2) year  
30 terms ending at midnight on the thirtieth day of November of

1 each even-numbered year.

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

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

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

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

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

30 (1) Provide input to the State Board of Education with

1 respect to the master plan as well as review proposed master  
2 plans as provided in section 2604.4-B.

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

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

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

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

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

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

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

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

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

1     (b) The board, within twenty (20) calendar days of receiving  
2     the committee's recommendation, may amend the proposed master  
3     plan in accordance with the recommendation of the committee and  
4     resubmit the proposed master plan to the committee for its  
5     review.

6     Section 2604.6-B. Approval of a Proposed Master Plan.--On  
7     its determination that the proposed master plan should be  
8     approved, the committee's legislative members shall, within the  
9     review period, cause a concurrent resolution to be introduced in  
10    the Senate or the House of Representatives approving the  
11    proposed master plan, and upon the adoption of the resolution,  
12    the committee shall notify the board. Upon notice, the board  
13    shall adopt the master plan.

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

24    Section 2604.8-B. Committee Inaction.--If the committee does  
25    not cause a concurrent resolution to be introduced within the  
26    review period, the board may thereafter adopt the master plan as  
27    proposed.

28    Section 2604.9-B. Effect on Judicial Review.--(a) For  
29    purposes of judicial review, committee inaction or the adoption  
30    of a concurrent resolution of approval shall mean that the

1 master plan shall be for the guidance of the Governor, the  
2 General Assembly and all institutions of higher education.

3 (b) Adoption of a concurrent resolution of disapproval shall  
4 mean that the master plan shall not be for the guidance of the  
5 Governor, the General Assembly and all institutions of higher  
6 education.

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

17 Section 2604.11-B. Appropriations.--The General Assembly  
18 shall appropriate moneys as necessary for the advancement of  
19 this act.

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