

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 992 Session of 2003

INTRODUCED BY STAIRS, ROEBUCK, BROWNE, CREIGHTON, FLICK, HERMAN, McILHATTAN, R. MILLER, T. STEVENSON, CURRY, GRUCELA, SHANER, SURRA, YUDICHAK, BAKER, BARD, BELFANTI, BENNINGHOFF, CAWLEY, COY, DALEY, GEIST, GEORGE, HALUSKA, HARHAI, HERSHEY, HESS, JAMES, JOSEPHS, LAUGHLIN, LEACH, PRESTON, READSHAW, REICHLEY, SATHER, SAYLOR, SEMMEL, B. SMITH, SOLOBAY, E. Z. TAYLOR, THOMAS, TRUE, WALKO, WOJNAROSKI AND YOUNGBLOOD, MARCH 26, 2003

REFERRED TO COMMITTEE ON EDUCATION, MARCH 26, 2003

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) "Review committee" shall mean the Master Plan for Higher  
 18 Education Review Committee established under section 2604.1-B.

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

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

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

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

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

17 (3) recommend methods for governance;

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

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

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

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

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

27 \* \* \*

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

29 Section 2604.1-B. Master Plan for Higher Education Review  
30 Committee.--(a) There is hereby created a review committee to

1 be known as the Master Plan for Higher Education Review  
2 Committee.

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

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

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

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

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

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

25 (6) Two (2) representatives appointed by the Minority Leader  
26 of the House of Representatives. One (1) representative shall be  
27 a member at the time of appointment of the Appropriations  
28 Committee of the House of Representatives. The second  
29 representative shall be a member at the time of appointment of  
30 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 review  
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 review committee shall meet as necessary for the  
17 prompt discharge of its duties and shall adopt rules to govern  
18 its 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 Review Committee.--The review committee  
25 at all times shall ensure that its mission is centered on  
26 providing a rational and effective approach to developing and  
27 implementing State policies pertaining to postsecondary  
28 education in this Commonwealth. To carry out its duties the  
29 review committee shall have the following powers and  
30 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.

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

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

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

1       (b) The board, within twenty (20) calendar days of receiving  
2 the review committee's recommendation, may amend the proposed  
3 master plan in accordance with the recommendation of the review  
4 committee and resubmit the proposed master plan to the review  
5 committee. Within twenty (20) calendar days, the review  
6 committee shall vote to approve or disapprove the master plan  
7 with comments and notify the chairman of the Education Committee  
8 of the Senate and the chairman of the Education Committee of the  
9 House of Representatives of its determination.

10       Section 2604.6-B. Consideration by the Education Committee  
11 of the Senate and the Education Committee of the House of  
12 Representatives.--(a) Upon receiving notification of the review  
13 committee's determination, the chairman of the Education  
14 Committee of the Senate and the chairman of the Education  
15 Committee of the House of Representatives shall cause their  
16 respective committees to vote to approve or disapprove the  
17 proposed master plan within twenty (20) calendar days.

18       (b) If the committees vote to approve the proposed master  
19 plan, the chairmen shall cause a concurrent resolution to be  
20 introduced in the Senate and the House of Representatives  
21 approving the proposed master plan. Upon adoption of the  
22 resolutions, the proposed master plan shall be deemed approved  
23 and the board shall adopt the proposed master plan.

24       (c) If the committees vote to disapprove the proposed master  
25 plan, the chairmen shall cause a concurrent resolution to be  
26 introduced in the Senate and the House of Representatives  
27 disapproving the proposed master plan. Upon adoption of the  
28 resolutions, the board shall within twenty (20) calendar days  
29 make modifications to the proposed master plan and resubmit it  
30 to the review committee to begin the review process.

1 (d) If either committee does not agree to approve or  
2 disapprove the proposed master plan, or either concurrent  
3 resolution is not adopted within ninety (90) calendar days of  
4 its introduction, the proposed master plan shall be deemed  
5 approved and the board shall adopt the proposed master plan.

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

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

15 Section 2604.10-B. Sine Die Session.--In the event of an  
16 adjournment sine die of the General Assembly prior to the  
17 approval of the proposed master plan, the board shall resubmit  
18 its proposed master plan to the review committee upon  
19 reorganization of the General Assembly.

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

23 Section 4. This act shall take effect July 1, 2003, or  
24 immediately, whichever is later.