

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1891 Session of
2007

INTRODUCED BY SHAPIRO, M. SMITH, DePASQUALE, BELFANTI,
BENNINGTON, BLACKWELL, BOYD, BRENNAN, CALTAGIRONE, CAPPELLI,
CAUSER, CONKLIN, COSTA, CUTLER, DALEY, FREEMAN, GALLOWAY,
GEORGE, GINGRICH, GRELL, GRUCELA, HALUSKA, HANNA, HARKINS,
HICKERNELL, HORNAMAN, HUTCHINSON, JOSEPHS, KAUFFMAN, KING,
KORTZ, KULA, LEVDANSKY, LONGIETTI, MAHONEY, MARSHALL,
McILHATTAN, McILVAINE SMITH, MOUL, MUNDY, MUSTIO, NAILOR,
O'NEILL, PASHINSKI, PYLE, RAPP, REED, ROAE, SAYLOR, SCHRODER,
SHIMKUS, STABACK, STURLA, SURRA, SWANGER, THOMAS, TRUE,
VEREB, WANSACZ, J. WHITE, WOJNAROSKI AND YOUNGBLOOD,
OCTOBER 4, 2007

REFERRED TO COMMITTEE ON FINANCE, OCTOBER 4, 2007

AN ACT

1 Amending the act of August 7, 1963 (P.L.549, No.290), entitled,
2 as amended, "An act creating the Pennsylvania Higher
3 Education Assistance Agency; defining its powers and duties;
4 conferring powers and imposing duties on the Governor,
5 President Pro Tempore of the Senate, Speaker of the House of
6 Representatives, Superintendent of Public Instruction and the
7 Department of Auditor General; and making appropriations,"
8 further providing for members of the board of directors and
9 for audits and reports; and providing for accountability
10 measures.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 3(a) of the act of August 7, 1963
14 (P.L.549, No.290), referred to as the Pennsylvania Higher
15 Education Assistance Agency Act, amended January 18, 1968 (1967
16 P.L.952, No.424), is amended to read:

17 Section 3. Governing Bodies.--(a) Such agency shall be

1 governed and all of its corporate powers exercised by a board of
2 directors which shall consist of twenty members, nineteen of
3 whom shall be appointed as hereinafter provided, and the
4 Superintendent of Public Instruction. Three members shall be
5 appointed by the Governor, eight shall be appointed by the
6 President Pro Tempore of the Senate, and eight shall be
7 appointed by the Speaker of the House of Representatives. All
8 members shall be of full age, citizens of the United States and
9 residents of the State, and shall be appointed for not more than
10 two terms of six years each, except that of the members first
11 appointed by the Governor, one shall be appointed for a term
12 which shall expire on June 30, 1965, one for a term which shall
13 expire on June 30, 1967, and one for a term which shall expire
14 on June 30, 1969, and of the members first appointed by the
15 President Pro Tempore of the Senate, one shall be appointed for
16 a term which shall expire on June 30, 1965, one for a term which
17 shall expire on June 30, 1967, and one for a term which shall
18 expire on June 30, 1969, and of the members first appointed by
19 the Speaker of the House of Representatives, one shall be
20 appointed for a term which shall expire on June 30, 1965, one
21 for a term which shall expire on June 30, 1967, and one for a
22 term which shall expire on June 30, 1969; and of the five
23 additional members to be appointed by the President Pro Tempore
24 of the Senate under this amendment, one shall be appointed for a
25 term which shall expire on June 30, 1969, two for a term which
26 shall expire on June 30, 1971, one for a term which shall expire
27 on June 30, 1973 and one for a term which shall expire on June
28 30, 1975, and of the five additional members to be appointed by
29 the Speaker of the House of Representatives under this
30 amendment, one shall be appointed for a term which shall expire

1 on June 30, 1969, two for a term which shall expire on June 30,
2 1971, one for a term which shall expire on June 30, 1973 and one
3 for a term which shall expire on June 30, 1975. The eight
4 members appointed by the President Pro Tempore of the Senate
5 shall be members of the Senate, four of whom shall be of the
6 majority party and four of the minority party, and the eight
7 members appointed by the Speaker of the House of Representatives
8 shall be members of the House of Representatives, four of whom
9 shall be of the majority party and four of the minority party,
10 and any member of the Senate or House of Representatives
11 hereafter appointed shall serve on the board only so long as he
12 is a member of the particular body of the General Assembly from
13 which he was appointed to the board, in which event he shall be
14 ineligible to continue as a member of the board as a legislative
15 appointee and a vacancy shall exist. In such a case the
16 President Pro Tempore of the Senate or the Speaker of the House
17 of Representatives shall fill the vacancy for the unexpired term
18 in the same manner as original appointments. A member of the
19 board of directors who becomes ineligible to serve as a
20 legislative appointee shall be eligible for appointment by the
21 Governor. However, no member may serve for more than two terms
22 in total. The board of directors shall elect from its own
23 members each year a chairman and vice chairman who shall serve
24 for terms of one year and who shall be eligible for reelection
25 for successive terms. Vacancies shall be filled for the
26 unexpired terms in the same manner as original appointments.
27 Directors shall receive no compensation for their services, but
28 shall be reimbursed for their expenses actually and necessarily
29 incurred by them in the performance of their duties under this
30 act.

1 * * *

2 Section 2. Section 8 of the act, amended October 29, 1969
3 (P.L.283, No.116), is amended to read:

4 Section 8. Audits and Reports.--The activities of the
5 Pennsylvania Higher Education Assistance Agency under this act
6 and of any nonprofit corporation established by the agency shall
7 be subject to the audit of the Department of Auditor General,
8 but the agency or any nonprofit corporation established by the
9 agency shall not be required to pay a fee for any such audit.

10 [It] The agency and any nonprofit corporation established by the
11 agency shall each make an annual report to the Governor, and the
12 Legislature showing its condition at the end of the
13 Commonwealth's fiscal year. The annual report shall include:

14 (1) A description of how the agency or any nonprofit
15 corporation established by the agency has maximized the
16 amount of revenue provided as aid to students, including any
17 specific measures designed to increase efficiency implemented
18 during the fiscal year and an estimate of the resulting
19 expenditure reductions or revenue increases achieved as a
20 result of the reform.

21 (2) An itemization of all travel expenses and an
22 itemization of all other expenses over fifty dollars (\$50)
23 paid to, reimbursed to or paid on behalf of an employe, a
24 member of the board of directors or any other person,
25 excluding reimbursement for mileage.

26 Section 3. The act is amended by adding a section to read:

27 Section 8.1. Accountability to Taxpayers.--(a) (1) All
28 records of the agency and of any nonprofit corporation
29 established by the agency shall be subject to the act of June
30 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know

1 Law, or any successor statute, and except for the following,
2 shall be deemed public records:

3 (i) Investigative reports or communications.

4 (ii) Any record to which access is restricted by statute, by
5 decree or by order of court.

6 (iii) Any document that if made public would prejudice or
7 impair a person's reputation or personal security.

8 (2) The following personal information shall be redacted
9 from a record before it is made public:

10 (i) Social Security numbers.

11 (ii) Home addresses.

12 (iii) Home telephone numbers.

13 (iv) Personal cell phone numbers.

14 (v) Income of parents, guardians or students.

15 (vi) Personal financial information.

16 (3) The burden of proving that a public record is exempt
17 from the access requirements of this section shall be on the
18 agency or the nonprofit corporation established by the agency
19 established by a preponderance of the evidence.

20 (b) (1) Notwithstanding any other provision of this act, no
21 employee of the agency or any nonprofit corporation established
22 by the agency shall receive a bonus.

23 (2) Notwithstanding any other provision of this act, the
24 agency shall not make any expenditure on the following:

25 (i) Retreats for members of the board of directors or agency
26 staff.

27 (ii) Sponsorship of events or activities except those
28 narrowly tailored to increase access to higher education
29 opportunities for Pennsylvanians.

30 (iii) Promotional materials and advertising, excluding

1 brochures, mailings, forms or other documents describing agency
2 programs.

3 (3) During the 2007-2008 fiscal year and each fiscal year
4 thereafter, the agency shall allocate to the scholarship program
5 established pursuant to the act of January 25, 1966 (1965
6 P.L.1546, No.541), referred to as the Higher Education
7 Scholarship Law, an amount equal to the total expenditures
8 during the 2006-2007 fiscal year on items prohibited by clauses
9 (1) and (2). The allocation shall be in addition to any amount
10 appropriated by the General Assembly and any amount committed by
11 the agency in the 2006-2007 fiscal year.

12 (4) For the purpose of this section, a bonus shall be any
13 monetary compensation given to an employe above and beyond the
14 employe's annual salary. The term does not include reimbursement
15 for mileage and expenses for official business.

16 Section 4. This act shall take effect immediately.