

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1240 Session of 2014

INTRODUCED BY YUDICHAK, CORMAN, TEPLITZ, FONTANA, BREWSTER, HUGHES, RAFFERTY, BAKER, WILEY, VANCE, SOLOBAY, COSTA, SCHWANK, FERLO, WASHINGTON, MENSCH, KASUNIC, FARNESE, TOMLINSON, STACK, WHITE, BOSCOLA, DINNIMAN, LEACH, GREENLEAF, ROBBINS, BRUBAKER, VULAKOVICH, YAW, ARGALL, WILLIAMS, WARD, SMITH, BROWNE, WOZNIAC AND KITCHEN, FEBRUARY 4, 2014

SENATOR SMUCKER, STATE GOVERNMENT, AS AMENDED, JUNE 10, 2014

AN ACT

1 Reorganizing the Board of Trustees of The Pennsylvania State
2 University.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as The Pennsylvania
7 State University Board of Trustees Reorganization Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Board." The Board of Trustees of The Pennsylvania State
13 University.

14 "Term of office." The term of years for which the Governor,
15 Lieutenant Governor, Attorney General, Auditor General or State
16 Treasurer is elected, or for which the president of the

1 university is appointed, irrespective of whether the individual
2 completes the term.

3 "University." The Pennsylvania State University established
4 under the act of February 22, 1855 (P.L.46, No.50), entitled "An
5 act to incorporate the Farmers' High School of Pennsylvania."

6 Section 3. Composition of board.

7 (a) Voting members.--Beginning January 1, 2015, the board
8 shall consist of 23 voting members as follows:

9 (1) Eight members who are alumni of the university and
10 elected by the alumni of the university in accordance with
11 the university charter.

12 (2) Five members appointed by the Governor, by and with
13 the advice and consent of a majority of all members of the
14 Senate.

15 (3) Five members representing the Commonwealth's
16 agriculture industry elected in accordance with the
17 university charter.

18 (4) Five members representing business and industry
19 endeavors appointed by the board and selected in accordance
20 with section 4.

21 (b) Ex officio members.--Beginning on the effective date of
22 this section, the Secretary of Agriculture and the Secretary of
23 Education, or their designees, shall serve on the board as
24 nonvoting, ex officio members of the board. The designee shall
25 be a deputy secretary or an equivalent position within the
26 agency.

27 ~~(c) Changes to board composition. The General Assembly~~ <--
28 ~~shall have the sole and exclusive authority to determine the~~
29 ~~composition of the board. Any changes to the composition of the~~
30 ~~board may only be done through a duly enacted law of this~~

1 ~~Commonwealth.~~ CONSTRUCTION.--Nothing in this act shall be
2 construed to authorize a change to the composition of the board
3 through amendment to the university charter, constitution or
4 bylaws or through court order or decree.

5 Section 4. Selection committee.

6 The board shall establish a five-member selection committee
7 to review and recommend to the full board individuals to be
8 appointed to the board pursuant to section 3(a)(4). The
9 committee shall be comprised of:

- 10 (1) The chairman of the board.
- 11 (2) One member elected to the board pursuant to section
12 3(a)(1), selected by all members of the board elected
13 pursuant to section 3(a)(1).
- 14 (3) One member appointed to the board pursuant to
15 section 3(a)(2), selected by all members of the board
16 appointed pursuant to section 3(a)(2).
- 17 (4) One member elected to the board pursuant to section
18 3(a)(3), selected by all members of the board elected
19 pursuant to section 3(a)(3).
- 20 (5) One member selected to the board pursuant to section
21 3(a)(4).

22 Section 5. Term of office.

23 The following shall apply:

- 24 (1) The term of office of a member elected pursuant to
25 section 3(a)(1), (3) or (4) shall be three years.
- 26 (2) The term of office of a member appointed by the
27 Governor pursuant to section 3(a)(2) shall be three years and
28 until a successor is appointed and qualified. A member may
29 continue to hold office for a period not to exceed six months
30 beyond the expiration of that member's term if a successor to

1 that member has not been duly appointed and qualified
2 according to law.

3 Section 6. Vacancy.

4 (a) Gubernatorial appointments.--An appointment to fill a
5 vacancy in the office of a member appointed by the Governor
6 pursuant to section 3(a)(2) shall be made within 60 days of the
7 vacancy and shall be for the remainder of the unexpired term.

8 (b) Other vacancies.--A vacancy created in any office of a
9 member serving on the board pursuant to section 3(a)(1), (3) or
10 (4) shall be filled in the same manner as the original position
11 and in accordance with the university charter.

12 Section 7. Prohibitions.

13 (a) Public officials.--Beginning on the effective date of
14 this act, the Governor, Lieutenant Governor, Attorney General,
15 Auditor General and State Treasurer shall be prohibited from
16 serving on the board during their terms of office.

17 (b) University president.--Beginning on the effective date
18 of this act, the president of the university shall be prohibited
19 from serving on the board during the president's term of office.

20 Section 8. Status of board members.

21 The following shall apply to board members serving on the
22 effective date of this act:

23 (1) The Governor, the Secretary of the Department of
24 Conservation and Natural Resources and the president of the
25 university shall automatically be removed from the board on
26 the effective date of this act.

27 (2) Board members appointed by the Governor may, at the
28 discretion of the Governor, continue to hold office as
29 members of the board for the term for which they were
30 appointed and, notwithstanding section 5(2), until their

1 successors are appointed and qualified.

2 (3) Board members representing the interests of business
3 and industry shall continue to hold office as members of the
4 board for the term for which they were elected.

5 (4) Board members representing the interests of
6 agriculture shall continue to hold office as members of the
7 board for the term for which they were elected.

8 (5) Board members representing the interests of alumni
9 shall continue to hold office as members of the board for the
10 term for which they were elected.

11 Section 9. ~~2014~~ 2016 appointments and elections. <--

12 Notwithstanding any other provision of law or any provision
13 of the university charter, constitution or bylaws to the
14 contrary, the following shall apply to elections or appointments
15 to the board in ~~2014~~ 2016: <--

16 (1) Two members shall be elected by the alumni.

17 (2) One member shall be elected by delegates
18 representing county agriculture societies.

19 (3) One member shall be selected pursuant to section 4.

20 (4) One member shall be appointed by the Governor in
21 accordance with law.

22 Section 10. Repeals.

23 All other acts or parts of acts are repealed insofar as they
24 are inconsistent with this act.

25 Section 11. Effective date.

26 This act shall take effect immediately.