

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1280 Session of 2015

INTRODUCED BY TEPLITZ, SCHWANK AND WARD, JUNE 2, 2016

REFERRED TO EDUCATION, JUNE 2, 2016

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
 2 "An act providing for and reorganizing the conduct of the
 3 executive and administrative work of the Commonwealth by the
 4 Executive Department thereof and the administrative
 5 departments, boards, commissions, and officers thereof,
 6 including the boards of trustees of State Normal Schools, or
 7 Teachers Colleges; abolishing, creating, reorganizing or
 8 authorizing the reorganization of certain administrative
 9 departments, boards, and commissions; defining the powers and
 10 duties of the Governor and other executive and administrative
 11 officers, and of the several administrative departments,
 12 boards, commissions, and officers; fixing the salaries of the
 13 Governor, Lieutenant Governor, and certain other executive
 14 and administrative officers; providing for the appointment of
 15 certain administrative officers, and of all deputies and
 16 other assistants and employes in certain departments, boards,
 17 and commissions; and prescribing the manner in which the
 18 number and compensation of the deputies and all other
 19 assistants and employes of certain departments, boards and
 20 commissions shall be determined," in organization of
 21 departmental administrative boards and commissions and of
 22 advisory boards and commissions, further providing for
 23 Pennsylvania Higher Education Assistance Agency.

24 The General Assembly of the Commonwealth of Pennsylvania
 25 hereby enacts as follows:

26 Section 1. Section 401.2 of the act of April 9, 1929
 27 (P.L.177, No.175), known as The Administrative Code of 1929,
 28 added July 9, 2010 (P.L.348, No.50), is amended to read:

29 Section 401.2. Pennsylvania Higher Education Assistance

1 Agency.--(a) (1) The Pennsylvania Higher Education Assistance
2 Agency shall be governed and all of its corporate powers
3 exercised by a board of directors which shall consist of twenty
4 members, nineteen of whom shall be appointed as hereinafter
5 provided, and the Secretary of Education. Except as provided in
6 subsection (b), [three members shall be appointed by the
7 Governor and confirmed by the Senate, eight shall be appointed
8 by the President pro tempore of the Senate, and eight shall be
9 appointed by the Speaker of the House of Representatives.] the
10 board shall be composed of the following members:

11 (i) Six members appointed by the Governor and confirmed by
12 the Senate, which shall include the following:

13 (A) Two individuals who are full-time postsecondary
14 students.

15 (B) One individual appointed to represent the State-related
16 universities of this Commonwealth.

17 (C) One individual appointed to represent postsecondary
18 vocational or trade schools in this Commonwealth.

19 (ii) The Secretary of Education.

20 (iii) The Secretary of Banking and Securities.

21 (iv) The Secretary of Community and Economic Development.

22 (v) Eight members appointed by the President pro tempore of
23 the Senate.

24 (vi) Eight members appointed by the Speaker of the House of
25 Representatives.

26 (vi) The Chancellor of the Pennsylvania State System of
27 Higher Education.

28 (vii) One individual appointed to represent independent
29 colleges and universities in this Commonwealth, who shall be
30 nominated by the Association of Independent Colleges and

1 Universities of Pennsylvania and confirmed by the Senate.

2 (viii) One individual to represent community colleges in
3 this Commonwealth, who shall be nominated by the Pennsylvania
4 Commission for Community Colleges and confirmed by the Senate.

5 (2) All members shall be of full age, citizens of the United
6 States and residents of this Commonwealth and shall be appointed
7 for terms of six years each, except as provided in subsection
8 (b) (1). Of the members appointed by the Governor, [one] two
9 shall be appointed for a term which shall expire June 30, [2011]
10 2017, one for a term which shall expire June 30, [2013] 2019,
11 and one for a term which shall expire June 30, [2015] 2021. Of
12 the members appointed by the President pro tempore of the
13 Senate, three shall be appointed for a term which shall expire
14 June 30, [2011] 2017, three for a term which shall expire June
15 30, [2013] 2019, and two for a term which shall expire June 30,
16 [2015] 2021. Of the members appointed by the Speaker of the
17 House of Representatives, four shall be appointed for a term
18 which shall expire June 30, [2011] 2017, three for a term which
19 shall expire June 30, [2013] 2019, and one for a term which
20 shall expire June 30, [2015] 2021.

21 (3) The eight members appointed by the President pro tempore
22 of the Senate shall be members of the Senate [or appointees
23 under subsection (b)], four of whom shall be of the majority
24 party and four of the minority party; and the eight members
25 appointed by the Speaker of the House of Representatives shall
26 be members of the House of Representatives [or appointees under
27 subsection (b)], four of whom shall be of the majority party and
28 four of the minority party; and any member of the Senate or
29 House of Representatives hereafter appointed shall serve on the
30 board only so long as he is a member [or an appointee under

1 subsection (b)] of the particular body of the General Assembly
2 from which he was appointed to the board, in which event he
3 shall be ineligible to continue as a member of the board as a
4 legislative appointee and a vacancy shall exist. In such a case
5 the President pro tempore of the Senate or the Speaker of the
6 House of Representatives shall fill the vacancy for the
7 unexpired term in the same manner as original appointment.

8 (b) (1) Commencing with legislative board appointments that
9 expire after June 30, [2010] 2016, all board appointments made
10 after June 30, [2010] 2016, shall be appointed for terms of four
11 years each and, when a legislative member's term, as appointed
12 under this section, expires and the legislative member wishes
13 not to be reappointed, provided he is eligible for
14 reappointment, the legislative leader of the respective chamber
15 shall fill the vacancy with a nonlegislative individual that has
16 relevant experience in a field related to finance, banking,
17 investment, information technology, higher education or higher
18 education finance. The respective legislative leader shall not
19 appoint more than one nonlegislative member to fill a vacancy in
20 the board positions allotted to the majority or minority party,
21 and such appointment shall not replace the chairman of the
22 standing committee on education or the legislator designated to
23 serve on the education committee chairman's behalf.

24 (2) A member of the board of directors who becomes
25 ineligible to serve as a legislative appointee shall be eligible
26 for appointment by the Governor.

27 (3) The board of directors shall elect from its own members
28 each year a chairman and vice chairman, each of whom must be a
29 legislative appointed member of the board, who shall serve for
30 terms of one year and who shall be eligible for reelection for

1 successive terms. Vacancies shall be filled for the unexpired
2 terms in the same manner as original appointments. Directors
3 shall receive no compensation for their services but shall be
4 reimbursed for their expenses actually and necessarily incurred
5 by them in the performance of their duties under the act of
6 August 7, 1963 (P.L.549, No.290), referred to as the
7 Pennsylvania Higher Education Assistance Agency Act.

8 (c) The board of directors shall provide for the holding of
9 regular and special meetings. Six directors attending shall
10 constitute a quorum for the transaction of any business and,
11 unless a greater number is required by the bylaws of the agency,
12 the act of a majority of the directors present at any meeting
13 shall be deemed the act of the board.

14 (d) The board of directors shall adopt bylaws for the agency
15 and may appoint such officers and employes as it deems advisable
16 and may fix their compensation and prescribe their duties.

17 (e) The board of directors may elect an executive committee
18 of not less than five members who, in intervals between meetings
19 of the board, may transact such business of the agency as the
20 bylaws of the agency may from time to time authorize. Unless
21 otherwise provided by the bylaws, a majority of the whole of
22 such committee attending shall constitute a quorum for the
23 transaction of any business, and the act of a majority of the
24 members of the executive committee present at any meeting
25 thereof shall be the act of such committee.

26 Section 2. This act shall take effect in 60 days.