

No. 1989-27

AN ACT

HB 1086

Recognizing the Pennsylvania College of Technology as an affiliate of The Pennsylvania State University; granting to the Pennsylvania College of Technology the benefits and obligations of the status of The Pennsylvania State University as a State-related university and an instrumentality of the Commonwealth; providing for the powers, duties, rights and obligations of the college; and providing for the college to assume the functions of The Williamsport Area Community College.

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

Section 1. Short title.

This act shall be known and may be cited as the Pennsylvania College of Technology Act.

Section 2. Name.

The institution recognized by this act shall be known as the Pennsylvania College of Technology on the effective date of this act.

Section 3. Declaration of policy.

The General Assembly finds and declares as follows:

(1) The Williamsport Area Community College was officially approved under the act of August 24, 1963 (P.L.1132, No.484), known as the Community College Act of 1963, as a public community college on February 11, 1965, by the State Board of Education with sponsorship by 26 school districts from a ten-county area surrounding Williamsport, Pennsylvania.

(2) With the approval of the State Board of Education, commencing on July 1, 1985, the school districts referred to in paragraph (1) withdrew from sponsorship; and the City of Williamsport became local sponsor of The Williamsport Community College under the Community College Act of 1963.

(3) The City of Williamsport has provided notice of its intention to withdraw sponsorship, effective June 30, 1989.

(4) The State Board of Education has approved the dissolution of The Williamsport Area Community College and the withdrawal of sponsorship by the City of Williamsport.

(5) The Pennsylvania College of Technology is a nonprofit corporation organized and existing under the laws of the Commonwealth and is a wholly controlled affiliate of The Corporation For Penn State.

(6) The Corporation For Penn State is a wholly controlled affiliate of the Board of Trustees of The Pennsylvania State University, a State-related university and an instrumentality of the Commonwealth.

(7) It will serve the educational needs and interests of the people of this Commonwealth to grant to the Pennsylvania College of Technology

the benefits of The Pennsylvania State University's status as a State-related university and an instrumentality of the Commonwealth within the Commonwealth System of Higher Education.

(8) It is the purpose of this act to extend Commonwealth opportunities for higher education by recognizing the Pennsylvania College of Technology as an affiliate corporation of The Pennsylvania State University.

Section 4. Status.

The Pennsylvania College of Technology is granted the benefits and responsibilities of the status of The Pennsylvania State University as a State-related institution and as an instrumentality of the Commonwealth of Pennsylvania. Without limiting the generality of this status, specifically, the following benefits shall be available:

(1) The Pennsylvania College of Technology shall receive an annual appropriation by the Commonwealth as a separate line item of the annual appropriation to The Pennsylvania State University. The Board of Trustees of The Pennsylvania State University shall transmit the appropriation to the Board of Directors of the Pennsylvania College of Technology.

(2) The Pennsylvania College of Technology shall be eligible to participate in programs for capital development and improvement under Article XVI-B of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

(3) Employees of the Pennsylvania College of Technology shall be eligible for membership in the State Employees' Retirement System of Pennsylvania or the alternate retirement program under 71 Pa.C.S. Part XXV (relating to retirement for State employees and officers). Employees of the Pennsylvania College of Technology who were employed by The Williamsport Area Community College and participated in the Public School Employees' Retirement System shall be eligible to continue to participate in the Public School Employees' Retirement System of Pennsylvania under 24 Pa.C.S. Part IV (relating to retirement for school employees). The employer's contribution to the Pennsylvania School Employees' Retirement System shall be shared equally by the Pennsylvania College of Technology and the Commonwealth of Pennsylvania in accordance with 24 Pa.C.S. Part IV.

(4) Bonds issued by The Pennsylvania State University for the benefit of the Pennsylvania College of Technology, or issued by the Pennsylvania College of Technology, shall be free from taxation within the Commonwealth of Pennsylvania.

(5) The Pennsylvania College of Technology shall, in addition to the powers conferred elsewhere in this act, have all the rights, powers, privileges and immunities and, except as otherwise provided in this act, be subject to all the duties and limitations of a nonprofit corporation created under 15 Pa.C.S. Pt. III (relating to corporations not-for-profit) or successor law.

Section 5. Mission.

The Pennsylvania College of Technology shall have the authority to conduct educational programs consistent with the mission of The Pennsyl-

vania State University as the Land Grant Institution of the Commonwealth of Pennsylvania, except that the Pennsylvania College of Technology shall not confer baccalaureate degrees in the fine arts, the social sciences, the natural sciences or humanities without approval of the Commonwealth in accordance with regulations of the State Board of Education. Such approval shall be granted upon determination of educational need, provided such programs would not constitute unnecessary duplication of programs offered in the college's service area, which includes Lycoming, Potter, Tioga, Bradford, Sullivan, Columbia, Montour, Northumberland, Union and Clinton counties.

Section 6. Board.

The Pennsylvania College of Technology shall be operated by a board of directors not to exceed 11 members, to be designated in accordance with its articles of incorporation or bylaws which shall provide that one member of the board shall be a Senator appointed by the President *pro tempore* of the Senate and one member shall be a Representative appointed by the Speaker of the House of Representatives.

Section 7. Open meetings.

The Pennsylvania College of Technology shall be required to comply with the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act.

Section 8. Funding.

As part of the annual appropriation provided for in section 4(1), the Commonwealth appropriations shall be used to pay all bonds issued prior to the effective date of this act by the State Public School Building Authority to construct or improve facilities for The Williamsport Area Community College. The Pennsylvania College of Technology shall assume the obligation of The Williamsport Area Community College to pay rentals to the State Public School Building Authority to amortize these bonds, and, subject to approval of the trustee which may be required under the trust indenture between the trustees and the State Public School Building Authority, The Williamsport Area Community College shall assign to the Pennsylvania College of Technology all rights, title and interest in all leases between the State Public School Building Authority as lessor or sublessor and The Williamsport Area Community College as lessee or sublessee. Upon the repayment and discharge, including refunding with interest, of the bonds of the State Public School Building Authority issued to construct or improve facilities for The Williamsport Area Community College, the State Public School Building Authority shall convey fee simple title to the property, consisting of realty and improvements on the realty, to the Pennsylvania College of Technology.

Section 9. Assignments.

Subject to applicable contracts, The Williamsport Area Community College is authorized to assign to the Pennsylvania College of Technology all rights, title and interest in all leases between The Williamsport Area Community College Building Authority as lessor or sublessor and The Williamsport Area Community College as lessee or sublessee. Upon the repayment of the bonds of The Williamsport Area Community College Building Authority

issued to construct or improve facilities for The Williamsport Area Community College, The Williamsport Area Community College Building Authority shall convey fee simple title to the property, consisting of realty and the improvements on the realty, to the Pennsylvania College of Technology.

Section 10. Transfer of property.

Subject to the rights of the trustee under a trust indenture of the State Public School Building Authority or The Williamsport Area Community College Building Authority, The Williamsport Area Community College is authorized to convey all its real and personal property to the Pennsylvania College of Technology.

Section 11. Audit findings.

Financial obligations of the Commonwealth resulting from audit findings occurring after the dissolution of The Williamsport Area Community College shall constitute rights of the Pennsylvania College of Technology. Financial obligations of the Williamsport Area Community College resulting from audit findings occurring after the dissolution of The Williamsport Area Community College shall constitute obligations of the Pennsylvania College of Technology.

Section 12. Bonds.

The Pennsylvania College of Technology may issue bonds to finance its operations.

Section 13. Effective date.

This act shall take effect immediately.

APPROVED—The 1st day of July, A. D. 1989.

ROBERT P. CASEY