

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1461 Session of
2023

INTRODUCED BY HARRIS, JUNE 20, 2023

SENATOR MARTIN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, NOVEMBER 13, 2023~~A SUPPLEMENT AN ACT~~

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1 ~~To the act of July 7, 1972 (P.L.743, No.176), entitled "An act~~ <--
 2 ~~providing for the establishment and operation of Lincoln~~
 3 ~~University as an instrumentality of the Commonwealth to serve~~
 4 ~~as a State related institution in the higher education system~~
 5 ~~of the Commonwealth; providing for change of name; providing~~
 6 ~~for the composition of the board of trustees; terms of~~
 7 ~~trustees, and the power and duties of such trustees;~~
 8 ~~providing for preference to Pennsylvania residents in~~
 9 ~~tuition; authorizing appropriations in amounts to be fixed~~
 10 ~~annually by the General Assembly; providing for the auditing~~
 11 ~~of accounts of expenditures from said appropriations;~~
 12 ~~providing for public support and capital improvements;~~
 13 ~~authorizing the issuance of bonds exempt from taxation within~~
 14 ~~the Commonwealth; requiring the President to make an annual~~
 15 ~~report of the operations of Lincoln University," making an~~
 16 ~~appropriation for carrying the same into effect; providing~~
 17 ~~for a basis for payments of the appropriation; providing for~~
 18 ~~a method of accounting for the funds appropriated; and~~
 19 ~~providing for certain fiscal information disclosure.~~

20 PROVIDING FOR FUNDING FOR STATE-RELATED UNIVERSITIES FOR THE <--
 21 FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024,
 22 FOR COSTS BASIS, FOR FREQUENCY OF PAYMENTS AND FOR
 23 RECORDKEEPING REQUIREMENTS; IMPOSING A DUTY ON THE AUDITOR
 24 GENERAL; PROVIDING FOR FINANCIAL STATEMENTS, FOR THE
 25 AGRICULTURAL COLLEGE LAND SCRIP FUND AND FOR RESTRICTIONS;
 26 AND MAKING APPROPRIATIONS.

27 The General Assembly of the Commonwealth of Pennsylvania

28 hereby enacts as follows:

29 Section 1. ~~The sum of \$19,000,000, or as much thereof as may~~ <--

1 ~~be necessary, is hereby appropriated to the Trustees of Lincoln~~
2 ~~University, Chester County, for the fiscal year July 1, 2023, to~~
3 ~~June 30, 2024, for general support.~~

4 ~~Section 2. Payments to Lincoln University on account of the~~
5 ~~appropriation provided in section 1 shall be made on the basis~~
6 ~~of costs during the fiscal year.~~

7 ~~Section 3. (a) Payments to Lincoln University of the~~
8 ~~appropriation provided in section 1 shall be made monthly during~~
9 ~~the fiscal year.~~

10 ~~(b) The monthly payments shall be made in accordance with~~
11 ~~the provisions of section 2 on the basis of estimated costs. The~~
12 ~~estimate of costs shall be submitted by Lincoln University to~~
13 ~~the Secretary of Education, the General Assembly and the State~~
14 ~~Treasurer not later than 30 days prior to the date on which such~~
15 ~~payment is to be made.~~

16 ~~Section 4. (a) Lincoln University shall apply the money~~
17 ~~appropriated by this act only for the purposes as are permitted~~
18 ~~in this act and shall at all times maintain proper records~~
19 ~~showing the application of such money. Not later than 120 days~~
20 ~~after the close of the fiscal year to which this act relates,~~
21 ~~Lincoln University shall file, with the Secretary of Education,~~
22 ~~the General Assembly and the Auditor General of the~~
23 ~~Commonwealth, a statement setting forth the amounts and purposes~~
24 ~~of all expenditures made from money appropriated by this act and~~
25 ~~costs, as provided in section 2, used as a basis for receipt of~~
26 ~~any appropriation during the fiscal year.~~

27 ~~(b) The statement of expenditures and costs shall be~~
28 ~~reviewed by the Auditor General of the Commonwealth, and he~~
29 ~~shall have the right, in respect to the money appropriated by~~
30 ~~this act, to audit and disallow expenditures made for purposes~~

1 ~~not permitted by this act and to cause such sums to be recovered~~
2 ~~and paid by Lincoln University to the State Treasurer. In~~
3 ~~respect to expenditures made by the university from money other~~
4 ~~than money appropriated by this act, the Auditor General shall~~
5 ~~have the right to review only, and he shall file annually with~~
6 ~~the General Assembly such information concerning said~~
7 ~~expenditures as the General Assembly or any of its committees~~
8 ~~may require.~~

9 ~~Section 5. Lincoln University shall provide full, complete~~
10 ~~and accurate information as may be required by the Department of~~
11 ~~Education or the chairperson or the minority chairperson of the~~
12 ~~Appropriations Committee of the Senate or the chairperson or the~~
13 ~~minority chairperson of the Appropriations Committee of the~~
14 ~~House of Representatives.~~

15 ~~Section 6. Lincoln University shall present and report its~~
16 ~~financial statements required under the provisions of this act~~
17 ~~in accordance with: the generally accepted accounting principles~~
18 ~~as prescribed by the National Association of College and~~
19 ~~University Business Officers, the American Institute of~~
20 ~~Certified Public Accountants, or their successors, or by any~~
21 ~~other recognized authoritative body; the "Commonwealth of~~
22 ~~Pennsylvania Budget Instructions for the State System of Higher~~
23 ~~Education, State Related Universities and Non State Related~~
24 ~~Colleges and Universities"; and the financial reporting policies~~
25 ~~and standards promulgated by the Commonwealth of Pennsylvania~~
26 ~~and by the Federal Government that apply to Lincoln University.~~

27 ~~Section 7. This act shall take effect July 1, 2023, or~~
28 ~~immediately, whichever is later.~~

29 SECTION 1. SHORT TITLE.

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30 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE STATE-RELATED

1 UNIVERSITY NONPREFERRED APPROPRIATION ACT OF 2023.

2 SECTION 2. DEFINITIONS.

3 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
4 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
5 CONTEXT CLEARLY INDICATES OTHERWISE:

6 "AUDITOR GENERAL." THE AUDITOR GENERAL OF THE COMMONWEALTH.

7 "CURRENT FISCAL YEAR." THE FISCAL YEAR BEGINNING JULY 1,
8 2023, AND ENDING JUNE 30, 2024.

9 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
10 COMMONWEALTH.

11 "SECRETARY." THE SECRETARY OF EDUCATION OF THE COMMONWEALTH.

12 "STATE-RELATED UNIVERSITY." THE TERM INCLUDES:

13 (1) THE PENNSYLVANIA STATE UNIVERSITY.

14 (2) THE UNIVERSITY OF PITTSBURGH.

15 (3) TEMPLE UNIVERSITY.

16 (4) LINCOLN UNIVERSITY.

17 SECTION 3. COST BASIS DURING CURRENT FISCAL YEAR.

18 PAYMENTS MADE TO A STATE-RELATED UNIVERSITY ON ACCOUNT OF AN
19 APPROPRIATION UNDER THIS ACT SHALL BE MADE ON THE BASIS OF COSTS
20 DURING THE CURRENT FISCAL YEAR.

21 SECTION 4. FREQUENCY AND BASIS OF PAYMENTS.

22 (A) MONTHLY PAYMENTS.--PAYMENTS MADE TO A STATE-RELATED
23 UNIVERSITY FROM AN APPROPRIATION PROVIDED IN THIS ACT SHALL BE
24 MADE MONTHLY DURING THE CURRENT FISCAL YEAR.

25 (B) ESTIMATED COSTS.--THE MONTHLY PAYMENTS SHALL BE MADE TO
26 A STATE-RELATED UNIVERSITY UNDER SECTION 3 ON THE BASIS OF
27 ESTIMATED COSTS. THE ESTIMATE OF COSTS SHALL BE SUBMITTED BY THE
28 STATE-RELATED UNIVERSITY TO THE SECRETARY, THE GENERAL ASSEMBLY
29 AND THE STATE TREASURER NOT LATER THAN 30 DAYS PRIOR TO THE DATE
30 ON WHICH THE PAYMENT IS TO BE MADE.

1 SECTION 5. PURPOSES OF EXPENDITURES AND STATEMENT OF
2 EXPENDITURES AND COSTS.

3 (A) DUTIES OF STATE-RELATED UNIVERSITIES.--

4 (1) A STATE-RELATED UNIVERSITY SHALL APPLY THE MONEY
5 APPROPRIATED BY THIS ACT ONLY FOR SUCH PURPOSES AS ARE
6 PERMITTED IN THIS ACT AND SHALL AT ALL TIMES MAINTAIN PROPER
7 RECORDS SHOWING THE APPLICATION OF THE MONEY.

8 (2) NOT LATER THAN 120 DAYS AFTER THE CLOSE OF THE
9 CURRENT FISCAL YEAR, THE STATE-RELATED UNIVERSITY SHALL FILE,
10 WITH THE SECRETARY, THE GENERAL ASSEMBLY AND THE AUDITOR
11 GENERAL, A STATEMENT THAT SPECIFIES THE AMOUNTS AND PURPOSES
12 OF ALL EXPENDITURES MADE FROM MONEY APPROPRIATED BY THIS ACT
13 AND OTHER UNIVERSITY ACCOUNTS DURING THE CURRENT FISCAL YEAR,
14 AS PROVIDED IN SECTION 3, USED AS A BASIS FOR RECEIPT OF AN
15 APPROPRIATION DURING THE CURRENT FISCAL YEAR.

16 (B) DUTIES OF AUDITOR GENERAL.--THE STATEMENT OF
17 EXPENDITURES AND COSTS SHALL BE REVIEWED BY THE AUDITOR GENERAL.
18 THE AUDITOR GENERAL MAY, WITH RESPECT TO THE MONEY APPROPRIATED
19 BY THIS ACT, AUDIT AND DISALLOW EXPENDITURES MADE FOR PURPOSES
20 NOT PERMITTED BY THIS ACT, RECOVER THE SUMS FROM THE STATE-
21 RELATED UNIVERSITY AND TRANSMIT THE RECOVERED SUMS TO THE STATE
22 TREASURER. IN RESPECT TO EXPENDITURES MADE BY THE STATE-RELATED
23 UNIVERSITY FROM MONEY OTHER THAN THAT APPROPRIATED BY THIS ACT,
24 THE AUDITOR GENERAL MAY REVIEW ONLY, AND SHALL FILE ANNUALLY
25 WITH THE GENERAL ASSEMBLY, INFORMATION CONCERNING THOSE
26 EXPENDITURES AS THE GENERAL ASSEMBLY OR ANY OF ITS COMMITTEES
27 MAY REQUIRE.

28 SECTION 6. DUTY TO PROVIDE INFORMATION.

29 A STATE-RELATED UNIVERSITY SHALL PROVIDE FULL, COMPLETE AND
30 ACCURATE INFORMATION AS MAY BE REQUIRED BY THE DEPARTMENT OR THE

1 CHAIRPERSON OR MINORITY CHAIRPERSON OF THE APPROPRIATIONS
2 COMMITTEE OF THE SENATE OR THE CHAIRPERSON OR MINORITY
3 CHAIRPERSON OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF
4 REPRESENTATIVES.

5 SECTION 7. FINANCIAL STATEMENTS.

6 A STATE-RELATED UNIVERSITY SHALL PRESENT AND REPORT ITS
7 FINANCIAL STATEMENTS REQUIRED UNDER THIS ACT IN ACCORDANCE WITH:

8 (1) THE GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AS
9 PRESCRIBED BY THE NATIONAL ASSOCIATION OF COLLEGE AND
10 UNIVERSITY BUSINESS OFFICERS, THE AMERICAN INSTITUTE OF
11 CERTIFIED PUBLIC ACCOUNTANTS, OR THEIR SUCCESSORS, OR BY ANY
12 OTHER RECOGNIZED AUTHORITATIVE BODY;

13 (2) THE "COMMONWEALTH OF PENNSYLVANIA BUDGET
14 INSTRUCTIONS FOR THE STATE SYSTEM OF HIGHER EDUCATION, STATE-
15 RELATED UNIVERSITIES AND NON-STATE-RELATED COLLEGES AND
16 UNIVERSITIES"; AND

17 (3) THE FINANCIAL REPORTING POLICIES AND STANDARDS
18 PROMULGATED BY THE FEDERAL GOVERNMENT AND BY THE COMMONWEALTH
19 THAT APPLY TO THE STATE-RELATED UNIVERSITY.

20 SECTION 8. AGRICULTURAL COLLEGE LAND SCRIP FUND.

21 THE MONEY OF THE RESTRICTED ACCOUNT WITHIN THE AGRICULTURAL
22 COLLEGE LAND SCRIP FUND IS HEREBY APPROPRIATED FOR THE CURRENT
23 FISCAL YEAR, IN ACCORDANCE WITH THE ACT OF APRIL 9, 1929
24 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE, ESTABLISHING THE
25 RESTRICTED ACCOUNT.

26 SECTION 9. RESTRICTIONS AND LIMITATIONS ON USE OF
27 APPROPRIATIONS.

28 THE FOLLOWING RESTRICTIONS AND LIMITATIONS APPLY:

29 (1) MONEY APPROPRIATED BY THIS ACT TO THE UNIVERSITY OF
30 PITTSBURGH MAY NOT BE USED FOR COSTS OF PERSONNEL AND

1 OPERATIONS OF AN ENVIRONMENTAL LAW CLINIC.

2 (2) MONEY APPROPRIATED BY THIS ACT TO THE UNIVERSITY OF
3 PITTSBURGH SHALL ONLY BE USED FOR COSTS DIRECTLY RELATED TO
4 THE PROVISION OF INSTRUCTION FOR GRADUATE AND UNDERGRADUATE
5 STUDENTS AND COSTS INCURRED IN PROVIDING STUDENT-RELATED
6 SERVICES AND COMMUNITY OUTREACH SERVICES CONSISTENT WITH THE
7 EXISTING LAWS OF THIS COMMONWEALTH.

8 SECTION 10. APPROPRIATIONS.

9 THE FOLLOWING SUMS, OR AS MUCH THEREOF AS MAY BE NECESSARY,
10 ARE HEREBY APPROPRIATED TO THE BOARDS OF TRUSTEES OF THE
11 RESPECTIVE STATE-RELATED UNIVERSITIES FOR THE CURRENT FISCAL
12 YEAR, FOR THE PURPOSES AND IN THE AMOUNTS AS FOLLOWS:

13 (1) TO THE PENNSYLVANIA STATE UNIVERSITY, FOR GENERAL
14 SUPPORT.

15 STATE APPROPRIATION.....\$242,096,000

16 (2) TO THE PENNSYLVANIA STATE UNIVERSITY, FOR THE
17 PENNSYLVANIA COLLEGE OF TECHNOLOGY.

18 STATE APPROPRIATION.....\$29,971,000

19 (3) TO THE UNIVERSITY OF PITTSBURGH, FOR GENERAL
20 SUPPORT.

21 STATE APPROPRIATION.....\$151,507,000

22 (4) TO THE UNIVERSITY OF PITTSBURGH, FOR RURAL EDUCATION
23 OUTREACH.

24 STATE APPROPRIATION.....\$3,346,000

25 (5) TO TEMPLE UNIVERSITY, FOR GENERAL SUPPORT.

26 STATE APPROPRIATION.....\$158,206,000

27 (6) TO LINCOLN UNIVERSITY, FOR GENERAL SUPPORT.

28 STATE APPROPRIATION.....\$18,401,000

29 SECTION 11. EFFECTIVE DATE.

30 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.