

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1213

Session of
2001

INTRODUCED BY BARLEY, MARCH 27, 2001

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 24, 2001

A SUPPLEMENT

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
16 appropriations for carrying the same into effect; providing
17 for a basis for payments of such appropriations; and
18 providing a method of accounting for the funds appropriated
19 and for certain fiscal information disclosure.

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

22 Section 1. The following sums, or as much thereof as may be
23 necessary, are hereby appropriated to the Trustees of Lincoln
24 University, Chester County, for the fiscal year July 1, 2001, to
25 June 30, 2002, for the purposes and in the amounts as shown:

1	(1) For educational and general expenses.....	\$10,704,000
2	(2) To enhance the recruitment and retention	
3	of disadvantaged students.....	355,000
4	(3) For the International Affairs Institute...	321,000
5	(4) For Student Education Instruction	
6	Assistance.....	262,000
7	(5) For Program Initiatives.....	1,300,000

8 Section 2. Payments to Lincoln University on account of the
9 appropriations for the items provided in section 1 shall be made
10 on the basis of costs during the fiscal year.

11 Section 3. (a) Payments to Lincoln University of the
12 appropriations provided in section 1 shall be made monthly
13 during the fiscal year.

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

20 (c) Payments to Lincoln University provided in section 1(5)
21 are contingent on the university making all articulation
22 agreements with other higher education institutions available on
23 the Internet.

24 Section 4. (a) Lincoln University shall apply the moneys
25 appropriated by this act only for such purposes as are permitted
26 in this act and shall at all times maintain proper records
27 showing the application of such moneys. Not later than 120 days
28 after the close of the fiscal year to which this act relates,
29 Lincoln University shall file, with the Secretary of Education,
30 the General Assembly and the Auditor General of the

1 Commonwealth, a statement setting forth the amounts and purposes
2 of all expenditures made from moneys appropriated by this act
3 and costs, as provided in section 2, used as a basis for receipt
4 of any appropriation during said fiscal year.

5 (b) Such statement of expenditures and costs shall be
6 reviewed by the Auditor General of the Commonwealth, and he
7 shall have the right, in respect to the moneys appropriated by
8 this act, to audit and disallow expenditures made for purposes
9 not permitted by this act and to cause such sums to be recovered
10 and paid by Lincoln University to the State Treasurer. In
11 respect to expenditures made by the university from moneys other
12 than those appropriated by this act, the Auditor General shall
13 have the right to review only, and he shall file annually with
14 the General Assembly such information concerning said
15 expenditures as the General Assembly or any of its committees
16 may require.

17 Section 5. A report shall be submitted to the Governor and
18 the Appropriations and Education Committees of the Senate and
19 House of Representatives and shall include data for all
20 programs. The report, to be submitted prior to September 1,
21 2002, shall cover the 12-month period beginning with the summer
22 term 2001 and shall include:

23 (1) The following counts and distributions for each term
24 during the period:

25 (i) The definitions and numbers of faculty members employed
26 full time, of faculty members employed part time, of full-time
27 students enrolled in graduate courses, of full-time students
28 enrolled in undergraduate courses, of part-time students
29 enrolled in graduate courses and of part-time students enrolled
30 in undergraduate courses.

(ii) The total numbers of undergraduate student credit hours, divided into lower division and upper division course levels, and of graduate student credit hours, divided into three course levels--master's, first professional and doctoral.

(iii) The number of different courses scheduled by level of instruction and the number of sections of individual instruction scheduled by level of instruction, each further subdivided by two-digit Classification of Instructional Program (CIP) categories of instructional programs of higher education as defined by the National Center for Education Statistics, United States Department of Education.

(iv) The number of terms scheduled and the dates thereof.

(2) For the summer term and the following academic year in total and for each two-digit CIP program category, a classification of faculty members or other professional employees by title, including: professor, associate professor, assistant professor, instructor, lecturer, research associate, librarian and academic administrator; faculty members or other professional employees under each title to be subdivided by type of assignment: teaching and nonteaching; and each such set of faculty members or other professional employees to be further subdivided by type of employment: full-time or part-time; and the following aggregates for each such subdivided classification:

(i) The number of faculty and other professional employees and their full-time equivalence in instructional and noninstructional functions.

(ii) The sum of credits assigned to undergraduate classroom courses and the sum of credits assigned to graduate classroom courses taught, divided into lower division, upper division,

1 master's, first professional and doctoral course levels.

2 (iii) The sum of credits assigned to undergraduate
3 individual instruction courses and the sum of credits assigned
4 to graduate individual instruction courses taught, divided into
5 lower division, upper division, master's, first professional and
6 doctoral course levels.

7 (iv) The sum of undergraduate classroom student credit hours
8 and the sum of graduate classroom student credit hours
9 generated, divided into lower division, upper division,
10 master's, first professional and doctoral course levels.

11 (v) The sum of undergraduate individual instruction student
12 credit hours and the sum of graduate individual instruction
13 student credit hours generated, divided into lower division,
14 upper division, master's, first professional and doctoral course
15 levels.

16 (vi) The total salary paid for instructional functions and
17 for noninstructional functions and the amount of this salary
18 paid for each of these functions from university funds, Federal
19 funds and other funds.

20 (3) For each term of the period covered for each faculty
21 member employed full time identified by two-digit CIP program
22 category and title, the report shall contain an analysis of the
23 average hours per week spent in university-related activities,
24 stating specifically hours spent in undergraduate classroom
25 contact and graduate classroom contact, hours spent in
26 preparation, hours spent in research and hours spent in public
27 service.

28 Section 6. In addition to the requirements in section 5
29 relative to this appropriation, the report covering the 12-month
30 period beginning with the summer term 2001 shall include for all

1 programs of the university:

2 (1) Minimum number of credits required for a baccalaureate
3 degree and for a master's degree.

4 (2) Number of bachelor's degrees, master's degrees, first
5 professional degrees and doctoral degrees awarded in 1997, 1998,
6 1999, 2000, 2001 and estimated 2002.

7 Section 7. (a) The following words and phrases when used in
8 this section shall have the meanings given to them in this
9 subsection unless the context clearly indicates otherwise:

10 "Academic and administrative support units." Any
11 organizational entity, as defined in the organizational manual
12 of the university, that reports directly to the president of the
13 university, chief academic officer or vice president, including
14 the office of the president, chief academic officer and vice
15 president.

16 "Expenditures." Disbursements of State appropriations,
17 tuition and fees supporting educational and general categories
18 as defined in the Higher Education Finance Manual, Department of
19 Health, Education and Welfare, 1975, or disbursement, supported
20 by State appropriations, tuition or fees, to support a defined
21 project or program under subsection (b)(3).

22 "Revenue." All State appropriations and tuition and fees.

23 (b) Lincoln University shall disclose the following:

24 (1) Revenue and expenditure budgets of the university's
25 academic and administrative support units for the current fiscal
26 year.

27 (2) The actual revenue and expenditures for the prior year
28 in the same format as the information reported under paragraph
29 (1).

30 (3) For any defined project or program which is the subject

1 of a specific line item appropriation from the General Fund, the
2 university shall disclose the following:

3 (i) Revenue and expenditure budgets of the defined program
4 or project for the current fiscal year.

5 (ii) The actual revenue and expenditures of the defined
6 program or project for the prior year in the same format as the
7 information reported under paragraph (1).

8 (4) The revenue and expenditures of any auxiliary enterprise
9 which is directly funded in whole or in part by tuition or a
10 State appropriation for the current fiscal year.

11 (c) The university shall provide the following additional
12 information for the prior fiscal year for each academic or
13 administrative support unit, for each defined project or program
14 and for any auxiliary enterprise:

15 (1) The number of employees by academic rank and by
16 classification the number of administrators, staff, clerical and
17 technical service employees.

18 (2) Median and mean salary by academic rank and by
19 classification the median and mean salaries of administrators,
20 staff, clerical and technical service employees.

21 (3) Nonsalary compensation as a percentage of salary.
22 Nonsalary compensation shall include, but not be limited to,
23 medical benefits, life insurance benefits, pension benefits,
24 leave benefits, employer Social Security payments and workers'
25 compensation benefits.

26 (4) A statement of the university's retirement policies.

27 (5) A policy statement relating to a reduction of tuition
28 for employees' family members.

29 (6) A list of purchase of service contracts which exceed
30 \$1,000 by category of service, including, but not limited to,

1 legal, instructional, management, accounting, architecture,
2 public relations and maintenance. The list shall contain the
3 name and address of the contractor, a statement of the nature of
4 the duties of the contractor and the academic and administrative
5 support unit for which the duties are performed. If a purchase
6 of service contract exceeds 10% of the total aggregate
7 expenditure of the contract category per academic or
8 administrative support unit, then the contracted amount shall
9 also be listed.

10 (7) A list of purchase of goods contracts which exceed
11 \$1,000. The list shall contain the name and address of the
12 contractor and a list of the goods purchased and the academic or
13 administrative support unit for which such goods were
14 contracted. If a purchase of goods contract exceeds 10% of the
15 total aggregate expenditure per academic or administrative
16 support unit, then the contracted amount shall also be listed.

17 (8) A list by academic or administrative support unit in the
18 aggregate, of the expenses of travel, subsistence and lodging,
19 whether provided or reimbursed.

20 (d) The university shall submit a report of the information
21 under subsections (b) and (c) to the Education Committee of the
22 Senate and the Appropriations Committee of the Senate and the
23 Education Committee of the House of Representatives and the
24 Appropriations Committee of the House of Representatives. In
25 addition, the university shall submit a copy of the report to
26 each of the following:

27 (1) Governor's Office.

28 (2) Secretary of Education.

29 (3) State Treasurer.

30 (4) Auditor General.

1 (5) Joint State Government Commission.

2 Each such institution shall maintain a copy of the report in the
3 institution's library and shall submit a copy to each of the
4 four State regional library resource centers.

5 (e) A university's report required to be submitted under
6 this section shall be submitted within 180 days of the close of
7 the university's current fiscal year.

8 (f) The Joint State Government Commission shall develop a
9 statistical comparison analysis recognizing differences in
10 missions from the reports made under this section. A majority of
11 the members of the commission may request additional
12 documentation, except for salary or identity of individuals,
13 necessary to complete the comparative analysis. The comparison
14 shall be provided to the Education Committee of the Senate and
15 the Appropriations Committee of the Senate and the Education
16 Committee of the House of Representatives and the Appropriations
17 Committee of the House of Representatives and the four State
18 regional libraries.

19 (g) The university shall make a copy of the minutes of each
20 public meeting of the institution's board of trustees, as well
21 as a copy of the institution's integrated postsecondary
22 education data systems report, available for public inspection
23 in the institution's library.

24 Section 8. The Lincoln University shall provide full,
25 complete and accurate information as may be required by the
26 Department of Education or the chairman or the minority chairman
27 of the Appropriations Committee of the Senate or the chairman or
28 the minority chairman of the Appropriations Committee of the
29 House of Representatives.

30 Section 9. Lincoln University shall report its revenues and

1 expenditures and present its financial statements required under
2 the provisions of this act in accordance with generally accepted
3 accounting principles and procedures for educational
4 institutions as set forth in the "Higher Education Finance
5 Manual, United States Department of Health, Education and
6 Welfare (1975)" and the "Commonwealth of Pennsylvania Budget
7 Instructions for the State System of Higher Education, State-
8 Related Universities and Non-State-Related Colleges and
9 Universities."

10 SECTION 10. COMMONWEALTH FUNDS APPROPRIATED TO THE TRUSTEES <—
11 OF LINCOLN UNIVERSITY MAY NOT BE USED TO SUBSIDIZE THE TUITION
12 OF A STUDENT WHO IS NOT A RESIDENT OF THIS COMMONWEALTH. A
13 CURRENT STUDENT WHO IS NOT A RESIDENT OF THIS COMMONWEALTH THAT
14 RECEIVES A TUITION SUBSIDY PRIOR TO THE ADOPTION OF THIS ACT OR
15 ANY RENEWAL OR CONTINUATION OF THAT SUBSIDY IS EXEMPT FROM THIS
16 PROHIBITION.

17 Section ~~10~~ 11. This act shall take effect July 1, 2001, or <—
18 immediately, whichever is later.