

LINCOLN UNIVERSITY-COMMONWEALTH ACT
Act of Jul. 7, 1972, P.L. 743, No. 176
AN ACT

Cl. 24

Providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University.

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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 "Lincoln University-Commonwealth Act."

Section 2. Legislative Findings; Declaration of Policy.--It is hereby determined and declared as a matter of legislative finding:

(1) That Lincoln University derives its corporate existence by reason of the act of the General Assembly of Pennsylvania entitled "An act to Incorporate the Ashmun Institute," act of April 29, 1854 (P.L.531);

(2) That the name Ashmun Institute was changed to Lincoln University by a supplement to the original Charter of Incorporation by act of the General Assembly, act of April 4, 1866 (P.L.452);

(3) That the original Charter of Incorporation was subsequently supplemented by act of the General Assembly, act of February 18, 1871 (P.L.106);

(4) That the original Charter of Incorporation was amended in the Court of Common Pleas for the County of Chester on the thirteenth day of November 1896, on the fourth day of January 1897, on the sixteenth day of October 1939, on the tenth day of January 1953, and on the first day of April 1953;

(5) That the Charter of Lincoln University was duly amended in accordance with the authority granted by act of May 5, 1933 (P.L.289);

(6) That Lincoln University owns and maintains land, buildings, and other facilities which are used, together with land and buildings owned by the Commonwealth of Pennsylvania, for higher education, which land, buildings and other facilities are under the entire control and management of the board of trustees;

(7) That the Commonwealth of Pennsylvania recognizes Lincoln University as an integral part of a system of higher education in Pennsylvania, and that the traditional objectives of Lincoln University in preparing young people to work with the problems of the disadvantaged is completely compatible with the needs of the Commonwealth, and that it is desirable and in the public interest to perpetuate and extend the relationship between the Commonwealth of Pennsylvania and Lincoln University for the purpose of improving and strengthening higher education by designating Lincoln University as a State-related institution of higher education.

Therefore, it is hereby declared to be the purpose of this act to extend Commonwealth opportunities for higher education by establishing Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the Commonwealth system of higher education.

Section 3. Change of Name.--The Charter of Lincoln University shall be amended by changing the name of Lincoln University to "Lincoln University--of the Commonwealth System of Higher Education," hereinafter referred to as "the university" and, as such, shall continue as a corporation for the same purposes as, and with all rights and privileges heretofore granted to, Lincoln University, unless hereinafter modified or changed.

Section 4. Board of Trustees; Composition, Commonwealth Trustees; Terms.--(a) The board of trustees of the university shall consist of thirty-nine voting members, including the Governor of the State, the Secretary of Education, and the President of Lincoln University, all three of whom shall be members of the board of trustees, ex officio.

(b) Twelve of the trustees shall be designated Commonwealth trustees, four appointed by the Governor, with the advice and consent of two-thirds of all of the members of the Senate, four by the President Pro Tempore of the Senate, and four by the Speaker of the House of Representatives. One appointment shall be made by each of the appointing authorities for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year commencing with the date when the charter becomes effective, and annually thereafter one appointment shall be made by each of the three Commonwealth appointing authorities for a term of four years.

(c) Within six months after the effective date of this act, the bylaws shall be amended to provide for twenty-four trustees, in addition to the twelve Commonwealth trustees, and three ex officio trustees and to establish a procedure whereby annually six of such trustees will be elected for four-year terms.

Section 5. Powers and Duties of Board of Trustees.--The entire management, control and conduct of the instructional, administrative, and financial affairs of the university are hereby vested in the board of trustees under regulations established by the State Board of Education. The board may exercise all the powers and franchises of the university and

make bylaws for their own government, as well as for the university.

Section 6. State Appropriations, Tuition.--The annual appropriation act to the university for general maintenance may specify the purposes or areas for which such appropriations may be expended by the university. The annual appropriation act may also contain a tuition supplement requiring the university to maintain such tuition and fee schedules for Pennsylvania resident students as set forth annually in such appropriation act: Provided, That the amounts appropriated by the act are sufficient for the maintenance of such schedules by the university: And, provided further, That for any given year, in the event the amounts appropriated are not sufficient for the maintenance of the tuition and fee schedules, the university shall have the right to alter the schedules to the extent necessary to provide required income equal to the amount not provided by the appropriation act.

Section 7. Payments of Appropriations, Accountability and Auditing.--(a) The sums appropriated by the Commonwealth shall be paid to the board of trustees only upon presentation by them of certified payrolls and vouchers showing expenditures in accordance with the appropriations. The Auditor General shall draw a warrant upon the State Treasurer for payment of approved expenditures. All expenditures made by the board of trustees in respect to such appropriations shall be subject to a post audit by the Auditor General.

(b) For the purpose of assuring the proper accountability on the part of Lincoln University for the expenditure of the amounts appropriated by the Commonwealth, Lincoln University shall establish a Commonwealth Appropriation Account into which only the amounts appropriated by the Commonwealth shall be credited when received. The university shall apply the moneys in the Commonwealth Appropriation Account only for such purposes as are permitted in the act appropriating the same and shall at all times maintain proper records showing the application of such moneys. Not later than ninety days after the close of the fiscal year to which the specific appropriation relates, the university shall file with the General Assembly and with the Auditor General of the Commonwealth, a statement setting forth the amounts and purposes of all expenditures made from both the Commonwealth Appropriation Account and other university accounts during the fiscal year. Such statement of expenditures shall be reviewed by the Auditor General of the Commonwealth, and he shall have the right, in respect to the Commonwealth Appropriation Account, to audit and disallow expenditures made for the purposes not permitted by the appropriation act and to cause such sums to be recovered and paid by the university to the Treasurer of the Commonwealth. In respect to expenditures made by the university from accounts other than the Commonwealth Appropriation Account, the Auditor General shall have the right to review only and he shall file annually with the General Assembly such information concerning such expenditures as the General Assembly or any of its committees may require.

Section 8. Capital Improvements.--The benefits of all Commonwealth or Commonwealth authority programs for capital development and improvement shall be available to the university under terms and conditions comparable to those applicable to land grant institutions of higher learning and State colleges. In accordance with legislative appropriations made as provided by law, the Commonwealth may, by agreement with the board of trustees acquire lands, erect and equip buildings, and provide facilities for the use of the university.

Section 9. Issuance of Bonds Tax Exempt within the Commonwealth.--(a) The board of trustees may provide for the issuance of bonds in the name of the university for any proper purpose.

(b) The university shall have no power at any time or in any manner to pledge the credit or the taxing power of the Commonwealth of Pennsylvania or any political subdivision, nor shall any of its obligations be deemed to be obligations of the Commonwealth of Pennsylvania or of any of its political subdivisions, nor shall the Commonwealth of Pennsylvania or any political subdivision thereof be liable for the payment of principal of or interest on such obligations.

(c) Bonds issued by the university and loans secured by mortgages; their transfer and the income therefrom, (including any profits made on the sale thereof) shall at all times be free from taxation within the Commonwealth of Pennsylvania.

Section 10. Reports.--The president of the university shall each year, not later than the first day of October, make a report of all the activities of the university, instructional, administrative and financial, for the preceding scholastic and fiscal year, to the board of trustees, who shall transmit the same to the Governor and to the members of the General Assembly.

Section 11. Exemption.--The act of March 15, 1899 (P.L.8), entitled "An act to regulate the manner in which appropriations to educational, penal, reformatory, charitable, benevolent, or eleemosynary institutions shall be paid," shall not apply to any appropriation made pursuant to this act.

Section 12. Repealer.--All acts and parts of acts are repealed in so far as they are inconsistent herewith.

Section 13. Effective Date.--This act shall take effect immediately.