

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1314 Session of  
1998

INTRODUCED BY THOMPSON, GREENLEAF AND CONTI, MARCH 6, 1998

SENATOR TILGHMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,  
NOVEMBER 9, 1998A SUPPLEMENT  
AN ACT

&lt;—

&lt;—

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 AMENDING THE ACT OF OCTOBER 16, 1998 (P.L. , NO. 44A), <—  
21 ENTITLED, "A SUPPLEMENT TO THE ACT OF JULY 7, 1972 (P.L. 743,  
22 NO. 176), ENTITLED 'AN ACT PROVIDING FOR THE ESTABLISHMENT AND  
23 OPERATION OF LINCOLN UNIVERSITY AS AN INSTRUMENTALITY OF THE  
24 COMMONWEALTH TO SERVE AS A STATE-RELATED INSTITUTION IN THE  
25 HIGHER EDUCATION SYSTEM OF THE COMMONWEALTH; PROVIDING FOR  
26 CHANGE OF NAME; PROVIDING FOR THE COMPOSITION OF THE BOARD OF  
27 TRUSTEES; TERMS OF TRUSTEES, AND THE POWER AND DUTIES OF SUCH  
28 TRUSTEES; PROVIDING FOR PREFERENCE TO PENNSYLVANIA RESIDENTS  
29 IN TUITION; AUTHORIZING APPROPRIATIONS IN AMOUNTS TO BE FIXED  
30 ANNUALLY BY THE GENERAL ASSEMBLY; PROVIDING FOR THE AUDITING  
31 OF ACCOUNTS OF EXPENDITURES FROM SAID APPROPRIATIONS;  
32 PROVIDING FOR PUBLIC SUPPORT AND CAPITAL IMPROVEMENTS;

1 AUTHORIZING THE ISSUANCE OF BONDS EXEMPT FROM TAXATION WITHIN  
2 THE COMMONWEALTH; REQUIRING THE PRESIDENT TO MAKE AN ANNUAL  
3 REPORT OF THE OPERATIONS OF LINCOLN UNIVERSITY, ' MAKING  
4 APPROPRIATIONS FOR CARRYING THE SAME INTO EFFECT; PROVIDING  
5 FOR A BASIS FOR PAYMENTS OF SUCH APPROPRIATIONS; AND  
6 PROVIDING A METHOD OF ACCOUNTING FOR THE FUNDS APPROPRIATED  
7 AND FOR CERTAIN FISCAL INFORMATION DISCLOSURE," PROVIDING AN  
8 ADDITIONAL APPROPRIATION FOR THE PERIOD JANUARY 1, 1999 TO  
9 JUNE 1, 1999.

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

12 ~~Section 1. The following sums, or as much thereof as may be~~ <—  
13 ~~necessary, are hereby appropriated to the Trustees of Lincoln~~  
14 ~~University, Chester County, for the fiscal year July 1, 1998, to~~  
15 ~~June 30, 1999, for the purposes and in the amounts as shown:~~

16 ~~(1) For educational and general expenses..... \$10,389,000~~

17 ~~(2) To enhance the recruitment and retention~~  
18 ~~of disadvantaged students..... 338,000~~

19 ~~(3) For the International Affairs Institute... 305,000~~

20 ~~Section 2. Payments to Lincoln University on account of the~~  
21 ~~appropriations for the items provided in section 1 shall be made~~  
22 ~~on the basis of costs during the fiscal year.~~

23 ~~Section 3. (a) Payments to Lincoln University of the~~  
24 ~~appropriations provided in section 1 shall be made monthly~~  
25 ~~during the fiscal year.~~

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

32 ~~Section 4. (a) Lincoln University shall apply the moneys~~  
33 ~~appropriated by this act only for such purposes as are permitted~~  
34 ~~in this act and shall at all times maintain proper records~~

~~showing the application of such moneys. Not later than 120 days after the close of the fiscal year to which this act relates, Lincoln University shall file, with the Secretary of Education, the General Assembly and the Auditor General of the Commonwealth, a statement setting forth the amounts and purposes of all expenditures made from moneys appropriated by this act and costs, as provided in section 2, used as a basis for receipt of any appropriation during said fiscal year.~~

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

~~Section 5. A report shall be submitted to the Governor and the Appropriations and Education Committees of the Senate and House of Representatives and shall include data for all programs. The report, to be submitted prior to September 1, 1999, shall cover the 12 month period beginning with the summer term 1998 and shall include:~~

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

~~(i) The definitions and numbers of faculty members employed full time, of faculty members employed part time, of full time~~

~~1 students enrolled in graduate courses, of full time students~~  
~~2 enrolled in undergraduate courses, of part time students~~  
~~3 enrolled in graduate courses and of part time students enrolled~~  
~~4 in undergraduate courses.~~

~~5 (ii) The total numbers of undergraduate student credit~~  
~~6 hours, divided into lower division and upper division course~~  
~~7 levels, and of graduate student credit hours, divided into three~~  
~~8 course levels master's, first professional and doctoral.~~

~~9 (iii) The number of different courses scheduled by level of~~  
~~10 instruction and the number of sections of individual instruction~~  
~~11 scheduled by level of instruction, each further subdivided by~~  
~~12 two digit Classification of Instructional Program (CIP)~~  
~~13 categories of instructional programs of higher education as~~  
~~14 defined by the National Center for Education Statistics, United~~  
~~15 States Department of Education.~~

~~16 (iv) The number of terms scheduled and the dates thereof.~~

~~17 (2) For the summer term and the following academic year in~~  
~~18 total and for each two digit CIP program category, a~~  
~~19 classification of faculty members or other professional~~  
~~20 employees by title, including: professor, associate professor,~~  
~~21 assistant professor, instructor, lecturer, research associate,~~  
~~22 librarian and academic administrator; faculty members or other~~  
~~23 professional employees under each title to be subdivided by type~~  
~~24 of assignment: teaching and nonteaching; and each such set of~~  
~~25 faculty members or other professional employees to be further~~  
~~26 subdivided by type of employment: full time or part time; and~~  
~~27 the following aggregates for each such subdivided~~  
~~28 classification:~~

~~29 (i) The number of faculty and other professional employees~~  
~~30 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, master's, first professional and doctoral course levels.~~

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

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

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

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

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

1 ~~service.~~

2 ~~Section 6. In addition to the requirements in section 5~~  
3 ~~relative to this appropriation, the report covering the 12 month~~  
4 ~~period beginning with the summer term 1998 shall include for all~~  
5 ~~programs of the university.~~

6 ~~(1) Minimum number of credits required for a baccalaureate~~  
7 ~~degree and for a master's degree.~~

8 ~~(2) Number of bachelor's degrees, master's degrees, first~~  
9 ~~professional degrees and doctoral degrees awarded in 1994, 1995,~~  
10 ~~1996, 1997, 1998 and estimated 1999.~~

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

14 ~~"Academic and administrative support units." Any~~  
15 ~~organizational entity, as defined in the organizational manual~~  
16 ~~of the university, that reports directly to the president of the~~  
17 ~~university, chief academic officer or vice president, including~~  
18 ~~the office of the president, chief academic officer and vice~~  
19 ~~president.~~

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

26 ~~"Revenue." All State appropriations and tuition and fees.~~

27 ~~(b) Lincoln University shall disclose the following:~~

28 ~~(1) Revenue and expenditure budgets of the university's~~  
29 ~~academic and administrative support units for the current fiscal~~  
30 ~~year.~~

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

~~(3) For any defined project or program which is the subject of a specific line item appropriation from the General Fund, the university shall disclose the following:~~

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

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

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

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

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

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

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

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

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

~~(6) A list of purchase of service contracts which exceed \$1,000 by category of service, including, but not limited to, legal, instructional, management, accounting, architecture, public relations and maintenance. The list shall contain the name and address of the contractor, a statement of the nature of the duties of the contractor and the academic and administrative support unit for which the duties are performed. If a purchase of service contract exceeds 10% of the total aggregate expenditure of the contract category per academic or administrative support unit, then the contracted amount shall also be listed.~~

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

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

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



1       ~~(1) Governor's Office.~~

2       ~~(2) Secretary of Education.~~

3       ~~(3) State Treasurer.~~

4       ~~(4) Auditor General.~~

5       ~~(5) Joint State Government Commission.~~

6       ~~Each such institution shall maintain a copy of the report in the~~  
7       ~~institution's library and shall submit a copy to each of the~~  
8       ~~four State regional library resource centers.~~

9       ~~(c) A university's report required to be submitted under~~  
10      ~~this section shall be submitted within 180 days of the close of~~  
11      ~~the university's current fiscal year.~~

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

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

28      ~~Section 8. The Lincoln University shall provide full,~~  
29      ~~complete and accurate information as may be required by the~~  
30      ~~Department of Education or the majority chairman or the minority~~

~~chairman of the Appropriations Committee of the Senate or the  
majority chairman or the minority chairman of the Appropriations  
Committee of the House of Representatives.~~

~~Section 9. Lincoln University shall report its revenues and  
expenditures and present its financial statements required under  
the provisions of this act in accordance with generally accepted  
accounting principles and procedures for educational  
institutions as set forth in the "Higher Education Finance  
Manual, United States Department of Health, Education and  
Welfare (1975)" and the "Commonwealth of Pennsylvania Budget  
Instructions for the State System of Higher Education, State-  
Related Universities and Non State Related Colleges and  
Universities."~~

~~Section 10. This act shall take effect July 1, 1998, or  
immediately, whichever is later.~~

SECTION 1. THE ACT OF OCTOBER 16, 1998 (P.L. , NO.44A),  
ENTITLED, "A SUPPLEMENT TO THE ACT OF JULY 7, 1972 (P.L.743,  
NO.176), ENTITLED 'AN ACT 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

1 OPERATIONS OF LINCOLN UNIVERSITY,' MAKING APPROPRIATIONS FOR  
2 CARRYING THE SAME INTO EFFECT; PROVIDING FOR A BASIS FOR  
3 PAYMENTS OF SUCH APPROPRIATIONS; AND PROVIDING A METHOD OF  
4 ACCOUNTING FOR THE FUNDS APPROPRIATED AND FOR CERTAIN FISCAL  
5 INFORMATION DISCLOSURE," IS AMENDED BY ADDING SECTIONS TO READ:

6 SECTION 2.1. THE FOLLOWING SUM, OR AS MUCH THEREOF AS MAY BE  
7 NECESSARY, IS HEREBY APPROPRIATED TO THE TRUSTEES OF LINCOLN  
8 UNIVERSITY, CHESTER COUNTY, FOR THE PERIOD OF JANUARY 1, 1999,  
9 TO JUNE 30, 1999, FOR THE PURPOSES AND IN THE AMOUNTS AS SHOWN:

10 (1) FOR EDUCATIONAL AND GENERAL EXPENSES..... \$5,070,000

11 SECTION 5.1. PAYMENTS TO LINCOLN UNIVERSITY ON ACCOUNT OF  
12 THE APPROPRIATION FOR THE ITEM PROVIDED IN SECTION 2.1 SHALL BE  
13 MADE ON THE BASIS OF COSTS DURING THE PERIOD JANUARY 1, 1999, TO  
14 JUNE 30, 1999.

15 SECTION 6.1. (A) PAYMENTS TO LINCOLN UNIVERSITY OF THE  
16 APPROPRIATION PROVIDED IN SECTION 2.1 SHALL BE MADE MONTHLY  
17 DURING THE PERIOD JANUARY 1, 1999, TO JUNE 30, 1999.

18 (B) SUCH MONTHLY PAYMENTS SHALL BE MADE IN ACCORDANCE WITH  
19 THE PROVISIONS OF SECTION 5.1 ON THE BASIS OF ESTIMATED COSTS.  
20 THE ESTIMATE OF COSTS SHALL BE SUBMITTED BY LINCOLN UNIVERSITY  
21 TO THE SECRETARY OF EDUCATION, THE GENERAL ASSEMBLY AND THE  
22 STATE TREASURER NOT LATER THAN 30 DAYS PRIOR TO THE DATE ON  
23 WHICH SUCH PAYMENT IS TO BE MADE.

24 SECTION 2. THIS ACT SHALL TAKE EFFECT JANUARY 1, 1999, OR  
25 IMMEDIATELY, WHICHEVER IS LATER.