

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 1377** Session of
2003

INTRODUCED BY ARGALL, MAY 6, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JULY 1, 2003

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, 2003, to
25 June 30, 2004, for the purposes and in the amounts as shown:

- 1 (1) For educational and general expenses..... \$11,544,000
- 2 (2) To enhance the recruitment and retention
- 3 of disadvantaged students..... 321,000
- 4 (3) For the International Affairs Institute... 290,000

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

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

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

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

29 (b) Such statement of expenditures and costs shall be
 30 reviewed by the Auditor General of the Commonwealth, and he

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

11 (C) ANY MONEYS APPROPRIATED BY THIS ACT THAT ARE APPLIED ON ←
12 AN INDIVIDUAL BASIS TO STUDENTS, INCLUDING, BUT NOT LIMITED TO
13 STUDENT FINANCIAL ASSISTANCE, SHALL BE APPLIED IN SUCH A MANNER
14 THAT 75% OF THE APPROPRIATED FUNDS ARE USED FOR STUDENTS WHO ARE
15 RESIDENTS OF THIS COMMONWEALTH.

16 Section 5. A report shall be submitted to the Governor and
17 the Appropriations and Education Committees of the Senate and
18 House of Representatives and shall include data for all
19 programs. The report, to be submitted prior to September 1,
20 2004, shall cover the 12-month period beginning with the summer
21 term 2003 and shall include:

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

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

30 (ii) The total numbers of undergraduate student credit

1 hours, divided into lower division and upper division course
2 levels, and of graduate student credit hours, divided into three
3 course levels--master's, first professional and doctoral.

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

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

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

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

27 (ii) The sum of credits assigned to undergraduate classroom
28 courses and the sum of credits assigned to graduate classroom
29 courses taught, divided into lower division, upper division,
30 master's, first professional and doctoral course levels.

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

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

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

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

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

27 Section 6. In addition to the requirements in section 5
28 relative to this appropriation, the report covering the 12-month
29 period beginning with the summer term 2003 shall include for all
30 programs of the university:

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

3 (2) Number of bachelor's degrees, master's degrees, first
4 professional degrees and doctoral degrees awarded in 1999, 2000,
5 2001, 2002, 2003 and estimated 2004.

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

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

15 "Expenditures." Disbursements or payments of State
16 appropriations, tuition and fees supporting operational,
17 educational or other general categories of expenses as defined
18 in: the generally accepted accounting principles as prescribed
19 by the National Association of College and University Business
20 Officers, the American Institute of Certified Public
21 Accountants, or by their successors, or by any other recognized
22 authoritative body; the "Commonwealth of Pennsylvania Budget
23 Instructions for the State System of Higher Education, State-
24 Related Universities and Non-State-Related Colleges and
25 Universities"; and the financial reporting policies and
26 standards promulgated by the Commonwealth of Pennsylvania and by
27 the Federal Government that apply to Lincoln University.

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

29 (b) Lincoln University shall disclose the following:

30 (1) Revenue and expenditure budgets of the university's

1 academic and administrative support units for the current fiscal
2 year.

3 (2) The actual revenue and expenditures for the prior year
4 in the same format as the information reported under paragraph
5 (1).

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

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

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

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

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

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

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

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

1 compensation benefits.

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

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

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

16 (7) A list of purchase of goods contracts which exceed
17 \$1,000. The list shall contain the name and address of the
18 contractor and a list of the goods purchased and the academic or
19 administrative support unit for which such goods were
20 contracted. If a purchase of goods contract exceeds 10% of the
21 total aggregate expenditure per academic or administrative
22 support unit, then the contracted amount shall also be listed.

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

26 (d) The university shall submit a report of the information
27 under subsections (b) and (c) to the Education Committee of the
28 Senate and the Appropriations Committee of the Senate and the
29 Education Committee of the House of Representatives and the
30 Appropriations Committee of the House of Representatives. In

1 addition, the university shall submit a copy of the report to
2 each of the following:

- 3 (1) Governor's Office.
- 4 (2) Secretary of Education.
- 5 (3) State Treasurer.
- 6 (4) Auditor General.
- 7 (5) Joint State Government Commission.

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

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

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

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

30 Section 8. The Lincoln University shall provide full,

1 complete and accurate information as may be required by the
2 Department of Education or the chairman or the minority chairman
3 of the Appropriations Committee of the Senate or the chairman or
4 the minority chairman of the Appropriations Committee of the
5 House of Representatives.

6 Section 9. Lincoln University shall present and report its
7 financial statements required under the provisions of this act
8 in accordance with: the generally accepted accounting principles
9 as 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; the "Commonwealth of
13 Pennsylvania Budget Instructions for the State System of Higher
14 Education, State-Related Universities and Non-State-Related
15 Colleges and Universities"; and the financial reporting policies
16 and standards promulgated by the Commonwealth of Pennsylvania
17 and by the Federal Government that apply to Lincoln University.

18 Section 10. Lincoln University shall make all articulation
19 agreements with other higher education institutions available on
20 the Internet.

21 Section 11. This act shall take effect July 1, 2003, or
22 immediately, whichever is later.