

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL****No. 2533** Session of  
2004

INTRODUCED BY ARGALL, APRIL 12, 2004

REFERRED TO COMMITTEE ON APPROPRIATIONS, APRIL 12, 2004

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

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

22 Section 1. The sum of \$12,428,000, or as much thereof as may  
23 be necessary, is hereby appropriated to the Trustees of Lincoln  
24 University, Chester County, for the fiscal year July 1, 2004, to  
25 June 30, 2005, for educational and general expenses.

26 Section 2. Payments to Lincoln University on account of the

1 appropriation for the items provided in section 1 shall be made  
2 on the basis of costs during the fiscal year.

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

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

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

23 (b) Such statement of expenditures and costs shall be  
24 reviewed by the Auditor General of the Commonwealth, and he  
25 shall have the right, in respect to the moneys appropriated by  
26 this act, to audit and disallow expenditures made for purposes  
27 not permitted by this act and to cause such sums to be recovered  
28 and paid by Lincoln University to the State Treasurer. In  
29 respect to expenditures made by the university from moneys other  
30 than those appropriated by this act, the Auditor General shall

1 have the right to review only, and he shall file annually with  
2 the General Assembly such information concerning said  
3 expenditures as the General Assembly or any of its committees  
4 may require.

5 Section 5. A report shall be submitted to the Governor and  
6 the Appropriations and Education Committees of the Senate and  
7 House of Representatives and shall include data for all  
8 programs. The report, to be submitted prior to September 1,  
9 2005, shall cover the 12-month period beginning with the summer  
10 term 2004 and shall include:

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

13 (i) The definitions and numbers of faculty members employed  
14 full time, of faculty members employed part time, of full-time  
15 students enrolled in graduate courses, of full-time students  
16 enrolled in undergraduate courses, of part-time students  
17 enrolled in graduate courses and of part-time students enrolled  
18 in undergraduate courses.

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

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

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

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

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

16 (ii) The sum of credits assigned to undergraduate classroom  
17 courses and the sum of credits assigned to graduate classroom  
18 courses taught, divided into lower division, upper division,  
19 master's, first professional and doctoral course levels.

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

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

29 (v) The sum of undergraduate individual instruction student  
30 credit hours and the sum of graduate individual instruction

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

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

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

16 Section 6. In addition to the requirements in section 5  
17 relative to this appropriation, the report covering the 12-month  
18 period beginning with the summer term 2004 shall include for all  
19 programs of the university:

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

22 (2) Number of bachelor's degrees, master's degrees, first  
23 professional degrees and doctoral degrees awarded in 2000, 2001,  
24 2002, 2003, 2004 and estimated 2005.

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

28 "Academic and administrative support units." Any  
29 organizational entity, as defined in the organizational manual  
30 of the university, that reports directly to the president of the

1 university, chief academic officer or vice president, including  
2 the office of the president, chief academic officer and vice  
3 president.

4 "Expenditures." Disbursements or payments of State  
5 appropriations, tuition and fees supporting operational,  
6 educational or other general categories of expenses as defined  
7 in: the generally accepted accounting principles as prescribed  
8 by the National Association of College and University Business  
9 Officers, the American Institute of Certified Public  
10 Accountants, or by their successors, or by any other recognized  
11 authoritative body; the "Commonwealth of Pennsylvania Budget  
12 Instructions for the State System of Higher Education, State-  
13 Related Universities and Non-State-Related Colleges and  
14 Universities"; and the financial reporting policies and  
15 standards promulgated by the Commonwealth of Pennsylvania and by  
16 the Federal Government that apply to Lincoln University.

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

18 (b) Lincoln University shall disclose the following:

19 (1) Revenue and expenditure budgets of the university's  
20 academic and administrative support units for the current fiscal  
21 year.

22 (2) The actual revenue and expenditures for the prior year  
23 in the same format as the information reported under paragraph  
24 (1).

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

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

30 (ii) The actual revenue and expenditures of the defined

1 program or project for the prior year in the same format as the  
2 information reported under paragraph (1).

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

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

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

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

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

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

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

24 (6) A list of purchase of service contracts which exceed  
25 \$1,000 by category of service, including, but not limited to,  
26 legal, instructional, management, accounting, architecture,  
27 public relations and maintenance. The list shall contain the  
28 name and address of the contractor, a statement of the nature of  
29 the duties of the contractor and the academic and administrative  
30 support unit for which the duties are performed. If a purchase

1 of service contract exceeds 10% of the total aggregate  
2 expenditure of the contract category per academic or  
3 administrative support unit, then the contracted amount shall  
4 also be listed.

5 (7) A list of purchase of goods contracts which exceed  
6 \$1,000. The list shall contain the name and address of the  
7 contractor and a list of the goods purchased and the academic or  
8 administrative support unit for which such goods were  
9 contracted. If a purchase of goods contract exceeds 10% of the  
10 total aggregate expenditure per academic or administrative  
11 support unit, then the contracted amount shall also be listed.

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

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

- 22 (1) Governor's Office.
- 23 (2) Secretary of Education.
- 24 (3) State Treasurer.
- 25 (4) Auditor General.
- 26 (5) Joint State Government Commission.

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

30 (e) A university's report required to be submitted under



1 this section shall be submitted within 180 days of the close of  
2 the university's current fiscal year.

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

14 (g) The university shall make a copy of the minutes of each  
15 public meeting of the institution's board of trustees, as well  
16 as a copy of the institution's integrated postsecondary  
17 education data systems report, available for public inspection  
18 in the institution's library.

19 Section 8. The Lincoln University shall provide full,  
20 complete and accurate information as may be required by the  
21 Department of Education or the chairman or the minority chairman  
22 of the Appropriations Committee of the Senate or the chairman or  
23 the minority chairman of the Appropriations Committee of the  
24 House of Representatives.

25 Section 9. Lincoln University shall present and report its  
26 financial statements required under the provisions of this act  
27 in accordance with: the generally accepted accounting principles  
28 as prescribed by the National Association of College and  
29 University Business Officers, the American Institute of  
30 Certified Public Accountants, or their successors, or by any

1 other recognized authoritative body; the "Commonwealth of  
2 Pennsylvania Budget Instructions for the State System of Higher  
3 Education, State-Related Universities and Non-State-Related  
4 Colleges and Universities"; and the financial reporting policies  
5 and standards promulgated by the Commonwealth of Pennsylvania  
6 and by the Federal Government that apply to Lincoln University.

7 Section 10. Lincoln University shall make all articulation  
8 agreements with other higher education institutions available on  
9 the Internet.

10 Section 11. This act shall take effect July 1, 2004, or  
11 immediately, whichever is later.