

No. 1985-46

AN ACT

SB 656

Authorizing a one-time program for the Department of Education to make institutional equipment grants on behalf of full-time equivalent undergraduate students attending institutions of higher education in the Commonwealth.

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 Institutional Equipment Grants Act.

Section 2. Legislative findings.

The General Assembly has found and hereby declares that:

(1) There exists within this Commonwealth a critical shortage of college and university instructional equipment needed in training and educational programs necessary to meet the growing needs of the citizens of this Commonwealth for opportunities for new and more rewarding employment.

(2) This shortage is occasioned by the lack of funds and other resources of institutions of higher education necessary to purchase, lease or otherwise acquire such equipment in order to provide training and education consistent with employment needs.

(3) It is in the general public interest of the Commonwealth to provide moneys to institutions of higher education during the fiscal year beginning July 1, 1985, in order to alleviate this shortage, specifically because approximately 80% of all undergraduate students attending Pennsylvania colleges and universities are residents of this Commonwealth.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Community colleges.” Institutions now, or hereafter, created pursuant to the act of August 24, 1963 (P.L.1132, No.484), known as the Community College Act of 1963.

“Department.” The Department of Education of the Commonwealth.

“Educational equipment.” Tangible property used by institutions of higher education in support of undergraduate instruction. The term shall not include equipment used in support of sectarian and denominational instruction or for any other sectarian and denominational purpose or activity.

“Eligible institution.” An independent institution of higher education, a State-owned institution or a State-related institution, any of which is approved by the department for equipment grants pursuant to the provisions of this act. It shall not mean an institution which is determined by the depart-

ment to be a community college, a medical school, a junior college, a theological seminary or school of theology or a sectarian and denominational institution.

“Equipment grant.” An amount determined by dividing the funds appropriated pursuant to this act, less reasonable administrative expenses, by the total of all certified full-time equivalent undergraduate students from all eligible institutions applying for grants.

“Full-time equivalent undergraduate students.” The enrollment in undergraduate programs at eligible institutions expressed in terms of full-time students as determined by the Department of Education.

“Independent institution of higher education.” An institution of higher education which is operated not for profit, located in and incorporated or chartered by the Commonwealth, entitled to confer degrees as set forth in section 211 of the act of May 5, 1933 (P.L.289, No.105), known as the Non-profit Corporation Law, and entitled to apply to itself the designation “college” or “university” as provided for by standards and qualifications prescribed by the State Board of Education pursuant to the act of May 7, 1937 (P.L.585, No.150), entitled “An act prohibiting the use of the designation of “college” by any institution not conforming to the standards of a college prescribed by the State Board of Education; and providing for injunctions, and penalties.”

“Pennsylvania based.” Educational equipment manufactured or assembled within this Commonwealth, or sold, leased or otherwise provided to an eligible institution by a vendor which has a place of business in this Commonwealth.

“State-owned institutions.” Those institutions which are part of the State System of Higher Education pursuant to the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

“State-related institutions.” The Pennsylvania State University, the University of Pittsburgh, Temple University and Lincoln University and their branch campuses.

Section 4. Certification of recipients.

From the information it receives from colleges and universities or, in the case of State-owned institutions, from the State System of Higher Education, the department shall certify the number of full-time equivalent undergraduate students attending each eligible institution during the most recent year for which data is available.

Section 5. Institutional equipment grants.

For the academic year beginning on or about September 1, 1985, the department shall allot a one-time equipment grant on behalf of each full-time equivalent undergraduate student attending the eligible institution as certified pursuant to section 4. The allotment shall be made to each eligible institution or, in the case of State-owned institutions, to the State System of Higher Education from the funds appropriated to the department pursuant to this act. Following an initial allocation and allotment, if any funds appropriated have not been and cannot be allocated to one or more institutions otherwise eligible for funds, the department shall reallocate these funds to

the remaining eligible institutions so that all funds appropriated under this act have been allotted.

Section 6. Use of moneys.

The moneys appropriated shall be used only for, or in connection with, expenses incurred by the eligible institution to purchase, lease or otherwise acquire educational equipment which is Pennsylvania based. If the eligible institution purchases, leases or otherwise acquires educational equipment which is not Pennsylvania based, it must file with the department a statement of justification as to why Pennsylvania-based educational equipment was not obtained.

Section 7. Forfeiture.

Any eligible institution which refuses to submit such information or audit as required by this act or knowingly submits misrepresentations or false statements with the intention of fraudulently obtaining moneys from the department shall be denied status as an eligible institution under the provisions of this act.

Section 8. Expiration.

This act shall expire on June 30, 1986.

Section 9. Effective date.

This act shall take effect immediately.

APPROVED—The 9th day of July, A. D. 1985.

DICK THORNBURGH