

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 431 Session of 2019

INTRODUCED BY BENNINGHOFF, BARRAR, BERNSTINE, DeLUCA, IRVIN, JAMES, KAUFFMAN, KEEFER, LAWRENCE, MILLARD, B. MILLER, RYAN, SCHWEYER, ZIMMERMAN AND HILL-EVANS, FEBRUARY 11, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 11, 2019

AN ACT

1 Amending the act of February 14, 2008 (P.L.6, No.3), entitled
 2 "An act providing for access to public information, for a
 3 designated open-records officer in each Commonwealth agency,
 4 local agency, judicial agency and legislative agency, for
 5 procedure, for appeal of agency determination, for judicial
 6 review and for the Office of Open Records; imposing
 7 penalties; providing for reporting by State-related
 8 institutions; requiring the posting of certain State contract
 9 information on the Internet; and making related repeals," in
 10 State-related institutions, further providing for reporting,
 11 for contents of report and for copies and posting and
 12 providing for contracts.

13 The General Assembly of the Commonwealth of Pennsylvania
 14 hereby enacts as follows:

15 Section 1. Sections 1502, 1503 and 1504 of the act of
 16 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law,
 17 are amended to read:

18 Section 1502. [Reporting.] Filing.

19 No later than May 30 of each year, unless otherwise provided
 20 under this chapter, a State-related institution shall file [with
 21 the Governor's Office, the General Assembly, the Auditor General
 22 and the State Library] the information set forth in section 1503

1 as required under section 1504.

2 Section 1503. Contents of [report.] filing.

3 (a) Information included.--The [report] filing required
4 under section 1502 shall include the following:

5 (1) Except as provided in paragraph (4), all information
6 required by Form 990 or an equivalent form of the United
7 States Department of the Treasury, Internal Revenue Service,
8 entitled the Return of Organization Exempt From Income Tax,
9 regardless of whether the State-related institution is
10 required to file the form by the Federal Government.

11 (2) The salaries of all officers and directors of the
12 State-related institution.

13 (3) The highest 25 salaries paid to employees of the
14 institution that are not included under paragraph (2) [.] and,
15 for a State-related institution with 2,500 employees or more,
16 the next highest 175 salaries paid to employees of the
17 institution that are not included under paragraph (2).
18 Faculty members' salaries shall be presented in salary
19 ranges.

20 (4) The [report] filing shall not include information
21 relating to individual donors.

22 (5) Revenue and expenditure budgets of the State-related
23 institution's academic and administrative support units for
24 the current fiscal year.

25 (6) The actual revenue and expenditures for the prior
26 year.

27 (7) For any defined project or program which is the
28 subject of a specific line item appropriation from the
29 General Fund, the State-related institution shall disclose
30 the following:

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

3 (ii) The actual revenue and expenditures of the
4 defined program or project for the prior year.

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

8 (9) The most recent audited financial statement for the
9 State-related institution.

10 (10) The following information for the prior fiscal year
11 for each academic or administrative support unit, for each
12 defined project or program and for an auxiliary enterprise:

13 (i) The number of employees by academic rank.

14 (ii) The number of administrators, staff, clerical
15 and technical service employees, by classification.

16 (iii) Median and mean salary by academic rank.

17 (iv) Median and mean salaries of administrators,
18 staff, clerical and technical service employees, by
19 classification.

20 (v) Nonsalary compensation as a percentage of
21 salary. Nonsalary compensation shall include:

22 (A) Medical benefits.

23 (B) Life insurance benefits.

24 (C) Pension benefits.

25 (D) Leave benefits.

26 (E) Employer Social Security payments.

27 (F) Workers' compensation benefits.

28 (vi) A statement of the State-related institution's
29 retirement policies.

30 (vii) A policy statement relating to a reduction of

1 tuition for employees' family members.

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

5 (b) Providing information.--Each State-related institution
6 shall provide full, complete and accurate information as may be
7 required by the Department of Education or the chairperson or
8 minority chairperson of the Appropriations Committee of the
9 Senate or the chairperson or minority chairperson of the
10 Appropriations Committee of the House of Representatives.

11 (c) Financial statements.--Each State-related institution
12 shall present and report its financial statements required under
13 the provisions of this act in accordance with:

14 (1) The generally accepted accounting principles as
15 prescribed by the National Association of College and
16 University Business Officers, the American Institute of
17 Certified Public Accountants or by another recognized
18 authoritative body.

19 (2) The Commonwealth of Pennsylvania Budget Instructions
20 for the State System of Higher Education, State-Related
21 Universities and Non-State-Related Colleges and Universities.

22 (3) The financial reporting policies and standards
23 promulgated by the Commonwealth of Pennsylvania and by the
24 Federal Government that apply to the State-related
25 institutions.

26 (d) Appropriations.--

27 (1) In a year a State-related institution receives an
28 appropriation, a report shall be submitted prior to September
29 1 and shall cover the 12-month period beginning with the
30 summer term of the preceding year. The report shall include:

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

3 (A) The definition and number of:

4 (I) Faculty members employed full time.

5 (II) Faculty members employed part time.

6 (III) Full-time students enrolled in a
7 graduate course.

8 (IV) Full-time students enrolled in an
9 undergraduate course.

10 (V) Part-time students enrolled in a
11 graduate course.

12 (VI) Part-time students enrolled in an
13 undergraduate course.

14 (B) The total number of:

15 (I) Undergraduate student credit hours,
16 divided into lower division and upper division
17 course levels.

18 (II) Graduate student credit hours, divided
19 into three course levels: master's, first
20 professional and doctoral.

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

30 (D) The number of terms scheduled and the dates

1 of the terms.

2 (ii) For the summer term and the following academic
3 year in total and for each two-digit CIP program
4 category:

5 (A) A classification of faculty members or other
6 professional employees by title, including:

7 (I) Professor.

8 (II) Associate professor.

9 (III) Assistant professor.

10 (IV) Instructor.

11 (V) Lecturer.

12 (VI) Research associate.

13 (VII) Librarian and academic administrator.

14 (B) Faculty members or other professional
15 employees under each title to be subdivided into
16 teaching and nonteaching.

17 (C) Each set of faculty members or other
18 professional employees to be further subdivided by
19 full-time or part-time employment.

20 (D) The following aggregates for each
21 subdivided classification:

22 (I) The number of faculty and other
23 professional employees and the full-time
24 equivalence in instructional and noninstructional
25 functions.

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

1 doctoral course levels.

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

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

13 (V) The sum of undergraduate individual
14 instruction student credit hours and the sum of
15 graduate individual instruction student credit
16 hours generated, divided into lower division,
17 upper division, master's, first professional and
18 doctoral course levels.

19 (VI) The total salary paid for instructional
20 functions and for noninstructional functions and
21 the amount of salary paid for each of these
22 functions from State-related institution funds,
23 Federal funds and other funds.

24 (iii) For each term of the period covered for each
25 faculty member employed full-time identified by two-digit
26 CIP program category and title, the report shall contain
27 an analysis of the average hours per week spent:

28 (A) In State-related institution-related
29 activities, stating specifically hours spent in
30 undergraduate classroom contact and graduate

1 classroom contact hours spent in preparation.

2 (B) In research.

3 (C) In public service.

4 (2) The report covering the 12-month period shall
5 include for each program of the State-related institution:

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

8 (ii) Number of bachelor's, master's, first
9 professional and doctoral degrees awarded for the
10 previous five years and those estimates for that year.

11 (e) Minutes.--Each State-related institution shall make a
12 copy of the minutes of each public meeting of the institution's
13 board of trustees available for public inspection in the
14 institution's library in print format and online on the
15 institution's publicly accessible Internet website. The minutes
16 shall be maintained in print and online for no fewer than 20
17 years.

18 (f) Data systems report.--Each State-related university
19 shall make a copy of the institution's integrated postsecondary
20 education data systems report available for public inspection in
21 the institution's library in print format and online on the
22 institution's publicly accessible Internet website.

23 Section 1504. [Copies and posting.] Requirements for
24 information in filings.

25 [A State-related institution shall maintain, for at least
26 seven years, a copy of the report in the institution's library
27 and shall provide free access to the report on the institution's
28 Internet website.] A State-related institution shall make the
29 information required under section 1502 accessible to the public
30 in accordance with the following:

1 (1) The information shall be posted online on the
2 institution's publicly accessible Internet website in a
3 searchable, sortable and downloadable database format that is
4 freely accessible by the public. To the extent possible, a
5 State-related institution shall post the information online
6 in a similar manner in order to facilitate easy public
7 review. The information of prior years shall be maintained
8 for no fewer than 10 years.

9 (2) The information shall be maintained in print format
10 in the institution's library for no fewer than 10 years.

11 (3) The information shall be provided in electronic
12 format to the Department of Education and the Joint State
13 Government Commission.

14 (4) The information shall be provided in print format to
15 the General Assembly and to each of the State regional
16 library resource centers.

17 Section 2. The act is amended by adding a section to read:
18 Section 1505. Contracts.

19 (a) Scope.--By May 30 of each year, a State-related
20 institution shall file with the Governor's Office, the Secretary
21 of the Senate, the Chief Clerk of the House of Representatives
22 and the State Library an annual list of contracts in excess of
23 \$5,000 for the purchase of all goods and third-party services.

24 (b) Contents.--The list shall include all of the following:

25 (1) Date of execution.

26 (2) Amount of the contract.

27 (3) Beginning date of the contract.

28 (4) End date of the contract, if applicable.

29 (5) The name and address of the vendor.

30 (6) Subject matter of the contract.

1 (c) Privilege.--This section shall not apply to a contract
2 for services protected by a privilege.

3 (d) Evidence.--This section:

4 (1) Shall apply to a purchase order evidencing new
5 obligations.

6 (2) Shall not apply to a purchase order evidencing
7 fulfillment of an existing contract.

8 (e) Posting.--Information under this section shall be posted
9 and maintained on the institution's publicly accessible Internet
10 website.

11 Section 3. This act shall take effect as follows:

12 (1) The addition of section 1505 of the act shall take
13 effect in 60 days.

14 (2) This section shall take effect immediately.

15 (3) The remainder of this act shall take effect July 1,
16 2019, or immediately, whichever is later.