

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 782 Session of 2019

INTRODUCED BY BLAKE, FOLMER, FONTANA, HUGHES, HAYWOOD, KILLION, K. WARD, MENSCH, BAKER, TARTAGLIONE, KEARNEY, MUTH AND COLLETT, JUNE 20, 2019

REFERRED TO STATE GOVERNMENT, JUNE 20, 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 under the requirements of 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).

15 (3.1) For a State-related institution with 2,500
16 employees or more, the next highest 175 salaries paid to
17 employees of the institution that are not included under
18 paragraph (2). The salaries of faculty members must be
19 presented in salary ranges comprised of bands of no more than
20 \$75,000 with individual faculty member names itemized
21 alphabetically in the respective salary range. The
22 institution department to which a faculty member is assigned
23 must be presented with the name of the faculty member.

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

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

29 (6) The actual revenue and expenditures for the prior
30 year.

1 (7) For any defined project or program which is the
2 subject of a specific line item appropriation from the
3 General Fund, the State-related institution shall disclose
4 the following:

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

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

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

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

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

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

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

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

21 (iv) Median and mean salaries of administrators,
22 staff, clerical and technical service employees, by
23 classification.

24 (v) Nonsalary compensation as a percentage of
25 salary. Nonsalary compensation shall include:

26 (A) Medical benefits.

27 (B) Life insurance benefits.

28 (C) Pension benefits.

29 (D) Leave benefits.

30 (E) Employer Social Security payments.

1 (F) Workers' compensation benefits.

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

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

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

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

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

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

23 (2) The "Commonwealth of Pennsylvania Budget
24 Instructions for the State System of Higher Education, State-
25 Related Universities and Non-State-Related Colleges and
26 Universities."

27 (3) The financial reporting policies and standards
28 promulgated by the Commonwealth of Pennsylvania and by the
29 Federal Government that apply to the State-related
30 institutions.

1 (d) Nonpreferred appropriations.--

2 (1) In a year a State-related institution receives a
3 nonpreferred appropriation, a report shall be submitted prior
4 to September 1 and must cover the 12-month period beginning
5 with the summer term of the preceding year. The report shall
6 include:

7 (i) The following counts and distributions for each
8 term during the period:

9 (A) The definition and number of:

10 (I) Faculty members employed full time.

11 (II) Faculty members employed part time.

12 (III) Full-time students enrolled in a
13 graduate course.

14 (IV) Full-time students enrolled in an
15 undergraduate course.

16 (V) Part-time students enrolled in a
17 graduate course.

18 (VI) Part-time students enrolled in an
19 undergraduate course.

20 (B) The total number of:

21 (I) Undergraduate student credit hours,
22 divided into lower division and upper division
23 course levels.

24 (II) Graduate student credit hours, divided
25 into three course levels: master's, first
26 professional and doctoral.

27 (C) The number of different courses scheduled by
28 level of instruction and the number of sections of
29 individual instruction scheduled by level of
30 instruction, each further subdivided by two-digit

1 Classification of Instructional Program (CIP)
2 categories of instructional programs of higher
3 education as defined by the National Center for
4 Education Statistics, United States Department of
5 Education.

6 (D) The number of terms scheduled and the dates
7 of the terms.

8 (ii) For the summer term and the following academic
9 year in total and for each two-digit CIP program
10 category:

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

13 (I) Professor.

14 (II) Associate professor.

15 (III) Assistant professor.

16 (IV) Instructor.

17 (V) Lecturer.

18 (VI) Research associate.

19 (VII) Librarian and academic administrator.

20 (B) Faculty members or other professional
21 employees under each title to be subdivided into
22 teaching and nonteaching.

23 (C) Each set of faculty members or other
24 professional employees to be further subdivided by
25 full-time or part-time employment.

26 (D) The following aggregates for each
27 subdivided classification:

28 (I) The number of faculty and other
29 professional employees and the full-time
30 equivalence in instructional and noninstructional

1 functions.

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

8 (III) The sum of credits assigned to
9 undergraduate individual instruction courses and
10 the sum of credits assigned to graduate
11 individual instruction courses taught divided
12 into lower division, upper division, master's,
13 first professional and doctoral course levels.

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

19 (V) The sum of undergraduate individual
20 instruction student credit hours and the sum of
21 graduate individual instruction student credit
22 hours generated, divided into lower division,
23 upper division, master's, first professional and
24 doctoral course levels.

25 (VI) The total salary paid for instructional
26 functions and for noninstructional functions and
27 the amount of salary paid for each of these
28 functions from State-related institution funds,
29 Federal funds and other funds.

30 (iii) For each term of the period covered for each

1 faculty member employed full time identified by two-digit
2 CIP program category and title, the report shall contain
3 an analysis of the average hours per week spent:

4 (A) In State-related institution-related
5 activities, stating specifically hours spent in
6 undergraduate classroom contact and graduate
7 classroom contact hours spent in preparation.

8 (B) In research.

9 (C) In public service.

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

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

14 (ii) Number of bachelor's degrees, master's degrees,
15 first professional degrees and doctoral degrees awarded
16 for the previous five years and those estimates for that
17 year.

18 (e) Minutes.--Each State-related institution shall make a
19 copy of the minutes of each public meeting of the institution's
20 board of trustees available for public inspection in the
21 institution's library in print format and online on the
22 institution's publicly accessible Internet website. The minutes
23 shall be maintained in print and online for no fewer than 20
24 years.

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

30 Section 1504. [Copies and posting] Requirements for information

1 in filings.

2 [A State-related institution shall maintain, for at least
3 seven years, a copy of the report in the institution's library
4 and shall provide free access to the report on the institution's
5 Internet website.] A State-related institution shall make the
6 information required by section 1502 accessible to the public in
7 accordance with the following:

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

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

18 (3) The information shall be provided in electronic
19 format to the Department of Education and the Joint State
20 Government Commission.

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

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

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

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

2 (1) Date of execution.

3 (2) Amount of the contract.

4 (3) Beginning date of the contract.

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

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

7 (6) Subject matter of the contract.

8 (c) Privilege.--This section shall not apply to a contract

9 for services protected by a privilege.

10 (d) Evidence.--This section:

11 (1) shall apply to a purchase order evidencing new
12 obligations; but

13 (2) shall not apply to a purchase order evidencing
14 fulfillment of an existing contract.

15 (e) Posting.--Information under this section shall be posted
16 and maintained on the institution's Internet website.

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

18 (1) The amendment or addition of sections 1503 and 1505
19 of the act shall take effect July 1, 2020, or immediately,
20 whichever is later.

21 (2) This section shall take effect immediately.

22 (3) The remainder of this act shall take effect July 1,
23 2019, or immediately, whichever is later.