

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 249 Session of 2023

INTRODUCED BY MASTRIANO, STEFANO, VOGEL AND BAKER,
JANUARY 31, 2023

REFERRED TO STATE GOVERNMENT, JANUARY 31, 2023

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
23 under the requirements of section 1504.

1 Section 1503. Contents of [report] filing.

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

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

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

12 (3) The highest 25 salaries paid to employees of the
13 institution that are not included under paragraph (2).

14 (3.1) For a State-related institution with 2,500
15 employees or more, the next highest 175 salaries paid to
16 employees of the institution that are not included under
17 paragraph (2). The salaries of faculty members must be
18 presented in salary ranges comprised of bands of no more than
19 \$75,000 with individual faculty member names itemized
20 alphabetically in the respective salary range. The
21 institution department to which a faculty member is assigned
22 must be presented with the name of the faculty member.

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

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

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

30 (7) For any defined project or program which is the

1 subject of a specific line item appropriation from the
2 General Fund, the State-related institution shall disclose
3 the following:

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

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

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

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

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

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

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

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

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

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

25 (A) Medical benefits.

26 (B) Life insurance benefits.

27 (C) Pension benefits.

28 (D) Leave benefits.

29 (E) Employer Social Security payments.

30 (F) Workers' compensation benefits.

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

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

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

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

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

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

22 (2) 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."

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

30 (d) Nonpreferred appropriations.--

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

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

8 (A) The definition and number of:

9 (I) Faculty members employed full time.

10 (II) Faculty members employed part time.

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

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

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

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

19 (B) The total number of:

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

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

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

1 categories of instructional programs of higher
2 education as defined by the National Center for
3 Education Statistics, United States Department of
4 Education.

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

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

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

12 (I) Professor.

13 (II) Associate professor.

14 (III) Assistant professor.

15 (IV) Instructor.

16 (V) Lecturer.

17 (VI) Research associate.

18 (VII) Librarian and academic administrator.

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

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

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

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

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

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

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

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

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

29 (iii) For each term of the period covered for each
30 faculty member employed full time identified by two-digit

1 CIP program category and title, the report shall contain
2 an analysis of the average hours per week spent:

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

7 (B) In research.

8 (C) In public service.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (1) Date of execution.
- 2 (2) Amount of the contract.
- 3 (3) Beginning date of the contract.
- 4 (4) End date of the contract, if applicable.
- 5 (5) The name and address of the vendor.
- 6 (6) Subject matter of the contract.

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

9 (d) Evidence.--This section:

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

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

14 (e) Posting.--Information under this section shall be posted
15 and maintained on the institution's publicly accessible Internet
16 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, 2024, 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 2023, or immediately, whichever is later.