

RIGHT-TO-KNOW LAW - REPORTING, CONTENTS OF REPORT, COPIES AND
POSTING AND CONTRACTS

Act of Nov. 16, 2023, P.L. 173, No. 29

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Session of 2023

No. 2023-29

HB 1556

AN ACT

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

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

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

Section 1502. [Reporting.] **Filing.**

No later than May 30 of each year, **unless otherwise provided under this chapter**, a State-related institution shall file [with the Governor's Office, the General Assembly, the Auditor General and the State Library] the information set forth in section 1503 **as required under section 1504.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) The number of employees by academic rank.

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

(iii) Median and mean salary by academic rank.

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

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

(A) Medical benefits.

(B) Life insurance benefits.

(C) Pension benefits.

(D) Leave benefits.

(E) Employer Social Security payments.

(F) Workers' compensation benefits.

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

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

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

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

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

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

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

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

(d) Appropriations.--

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

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

(A) The definition and number of:

(I) Faculty members employed full time.

(II) Faculty members employed part time.

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

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

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

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

(B) The total number of:

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

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

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

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

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

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

(I) Professor.

(II) Associate professor.

(III) Assistant professor.

(IV) Instructor.

(V) Lecturer.

(VI) Research associate.

(VII) Librarian and academic administrator.

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

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

(D) The following aggregates for each subdivided classification:

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

(II) The sum of credits assigned to undergraduate classroom courses and the sum of credits assigned to graduate classroom courses

taught divided into lower division, upper division, master's, first professional and doctoral course levels.

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

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

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

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

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

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

(B) In research.

(C) In public service.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Date of execution.

(2) Amount of the contract.

(3) Beginning date of the contract.

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

(5) The name and address of the vendor.

(6) Subject matter of the contract.

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

(d) Evidence.--This section:

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

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

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

Section 3. This act shall take effect as follows:

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

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect July 1, 2024, or immediately, whichever is later.

APPROVED--The 16th day of November, A.D. 2023.

JOSH SHAPIRO