

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 311 Session of
2013

INTRODUCED BY CONKLIN, STEPHENS, SCHLOSSBERG, HARHAI, GOODMAN,
D. COSTA, HARKINS, KORTZ, DELUCA, MAHONEY, WATERS AND STURLA,
JANUARY 23, 2013

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 23, 2013

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,"
10 further providing for definitions, for exceptions for public
11 records, for reporting, for contents of report and for copies
12 and posting.

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

15 Section 1. The definitions of "State-affiliated entity" and
16 "State-related institution" in section 102 of the act of
17 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law,
18 are amended to read:

19 Section 102. Definitions.

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

1 * * *

2 "State-affiliated entity." A Commonwealth authority or
3 Commonwealth entity. The term includes the Pennsylvania Higher
4 Education Assistance Agency and any entity established thereby,
5 the Pennsylvania Gaming Control Board, the Pennsylvania Game
6 Commission, the Pennsylvania Fish and Boat Commission, the
7 Pennsylvania Housing Finance Agency, the Pennsylvania Municipal
8 Retirement Board, the State System of Higher Education, a State-
9 related institution and its affiliates, a community college, the
10 Pennsylvania Turnpike Commission, the Pennsylvania Public
11 Utility Commission, the Pennsylvania Infrastructure Investment
12 Authority, the State Public School Building Authority, the
13 Pennsylvania Interscholastic Athletic Association and the
14 Pennsylvania Higher Educational Facilities Authority. [The term
15 does not include a State-related institution.]

16 "State-related institution." Includes:

17 (1) Temple University, including its graduate schools,
18 law school, medical school and continental and international
19 branch campuses.

20 (2) The University of Pittsburgh, including its graduate
21 schools, medical school and branch campuses.

22 (3) The Pennsylvania State University, including its
23 graduate schools, law school, medical school and branch
24 campuses and the Pennsylvania College of Technology.

25 (4) Lincoln University[.], including its graduate
26 schools and branch campuses.

27 (5) Any associated hospital, medical center, institute,
28 facility, subsidiary or subordinate unit of any of the
29 institutions enumerated in paragraphs (1), (2), (3) and (4).

30 * * *

Section 2. Sections 708(b)(11), (13), (14) and (15), 1501, 1502, 1503 and 1504 of the act are amended to read:

Section 708. Exceptions for public records.

* * *

(b) Exceptions.--Except as provided in subsections (c) and (d), the following are exempt from access by a requester under this act:

* * *

(11) A record that constitutes or reveals a trade secret or confidential proprietary information, including research and development information of a State-related institution and its affiliates.

* * *

(13) Records that would disclose the identity of an individual who lawfully makes a donation to an agency or to a State-related institution and its affiliates, unless the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public official [or], employee of the agency, or an officer, director or employee of a State-related institution and its affiliates, including lists of potential donors compiled by an agency to pursue donations, donor profile information or personal identifying information relating to a donor.

(14) Unpublished lecture notes, unpublished manuscripts, unpublished articles, creative works in progress, research-related material and scholarly correspondence of a community college or an institution of the State System of Higher Education, a State-related institution and its affiliates or a faculty member, staff employee, guest speaker or student thereof.

(15) (i) Academic transcripts.

(ii) Examinations, examination questions, scoring keys or answers to examinations. This subparagraph shall include licensing and other examinations relating to the qualifications of an individual and to examinations given in primary and secondary schools and institutions of higher education, including State-related institutions and their affiliates.

* * *

Section 1501. Definition.

As used in this chapter, "State-related institution" means any of the following:

(1) Temple University, including its graduate schools, law school, medical school and continental and international branch campuses.

(2) The University of Pittsburgh, including its graduate schools, medical school and branch campuses.

(3) The Pennsylvania State University, including its graduate schools, law school, medical school and branch campuses and the Pennsylvania College of Technology.

(4) Lincoln University[.], including its graduate schools and branch campuses.

(5) Any associated hospital, medical center, institute, facility, subsidiary or subordinate unit of any of the institutions enumerated in paragraphs (1), (2), (3) and (4).

Section 1502. Reporting.

No later than May 30 of each year, a State-related institution and its affiliates shall file with the Governor's Office, the General Assembly, the Auditor General and the State Library the information set forth in section 1503.

1 Section 1503. Contents of report.

2 The report required under section 1502 shall include the
3 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, and any
9 of its affiliates, is required to file the form by the
10 Federal Government.

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

13 (3) The highest 25 salaries paid to employees of the
14 institution and its affiliates that are not included under
15 paragraph (2).

16 (4) The report shall not include information relating to
17 individual donors.

18 Section 1504. Copies and posting.

19 A State-related institution and its affiliates shall
20 maintain, for at least seven years, a copy of the report in the
21 institution's or affiliate's library and shall provide free
22 access to the report on the institution's or affiliate's
23 Internet website.

24 Section 3. This act shall take effect immediately.