

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 488 Session of 2021

INTRODUCED BY MASTRIANO, VOGEL, PHILLIPS-HILL AND MENSCH,  
APRIL 8, 2021

REFERRED TO STATE GOVERNMENT, APRIL 8, 2021

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, 2022, 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 2021, or immediately, whichever is later.