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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1094 Session of  
2015

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INTRODUCED BY BENNINGHOFF, BLOOM, COHEN, CONKLIN, D. COSTA,  
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ROEBUCK, STAATS, TOEPEL AND WATSON, MAY 4, 2015

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 4, 2015

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22           (A) Medical benefits.

23           (B) Life insurance benefits.

24           (C) Pension benefits.

25           (D) Leave benefits.

26           (E) Employer Social Security payments.

27           (F) Workers' compensation benefits.

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

30           (vii) A policy statement relating to a reduction of

1 tuition for employees' family members.

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

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

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

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

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

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

27 (d) Nonpreferred appropriations.--

28 (1) In a year a State-related institution receives a  
29 nonpreferred appropriation, a report shall be submitted prior  
30 to September 1 and must cover the 12-month period beginning

1 with the summer term of the preceding year. The report shall  
2 include:

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

5 (A) The definition and number of:

6 (I) Faculty members employed full time.

7 (II) Faculty members employed part time.

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

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

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

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

16 (B) The total number of:

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

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

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

1           Education.

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

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

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

9                   (I) Professor.

10                   (II) Associate professor.

11                   (III) Assistant professor.

12                   (IV) Instructor.

13                   (V) Lecturer.

14                   (VI) Research associate.

15                   (VII) Librarian and academic administrator.

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

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

22           (D) The following aggregates for each  
23           subdivided classification:

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

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

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

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

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

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

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

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

30 (A) In State-related institution-related

1 activities, stating specifically hours spent in  
2 undergraduate classroom contact and graduate  
3 classroom contact hours spent in preparation.

4 (B) In research.

5 (C) In public service.

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

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

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

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

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

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

28 [A State-related institution shall maintain, for at least  
29 seven years, a copy of the report in the institution's library  
30 and shall provide free access to the report on the institution's



1 Internet website.] A State-related institution shall make the  
2 information required by section 1502 accessible to the public in  
3 accordance with the following:

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

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

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

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

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

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

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

28 (1) Date of execution.

29 (2) Amount of the contract.

30 (3) Beginning date of the contract.

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

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

3           (6) Subject matter of the contract.

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

6           (d) Evidence.--This section:

7           (1) shall apply to a purchase order evidencing new  
8 obligations; but

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

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

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

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

16           (2) This section shall take effect immediately.

17           (3) The remainder of this act shall take effect July 1,  
18 2015.