

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2259 Session of
2022

INTRODUCED BY WARNER, BERNSTINE, GROVE, KAUFFMAN, KERWIN,
M. MACKENZIE, MILLARD, B. MILLER, MOUL, ROSSI, RYAN AND
ZIMMERMAN, JANUARY 20, 2022

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 20, 2022

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 preliminary provisions, further providing for definitions; in
11 procedure, further providing for exceptions for public
12 records; and, in State-related institutions, further
13 providing for definition, for reporting, for contents of
14 report and for copies and posting.

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

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

21 Section 102. Definitions.

22 The following words and phrases when used in this act shall
23 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 * * *

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

17 "State-related institution." Includes:

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

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

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

26 (4) Lincoln University, including its graduate schools
27 and branch campuses.

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

1 * * *

2 Section 2. Sections 708(b)(11), (13), (14) and (15), 1501,
3 1502, 1503 and 1504 of the act are amended to read:

4 Section 708. Exceptions for public records.

5 * * *

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

9 * * *

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

14 * * *

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

25 (14) Unpublished lecture notes, unpublished manuscripts,
26 unpublished articles, creative works in progress, research-
27 related material and scholarly correspondence of a community
28 college or an institution of the State System of Higher
29 Education, a State-related institution and its affiliates or
30 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

1 Library the information set forth in section 1503.

2 Section 1503. Contents of report.

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

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

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

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

19 Section 1504. Copies and posting.

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

25 Section 3. This act shall take effect immediately.