

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2485 Session of 2022

INTRODUCED BY GROVE, SMITH, COOK, RYAN, JONES, MILLARD, SAYLOR AND ROWE, APRIL 5, 2022

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 27, 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 State contract information, further providing for submission
11 and retention of contracts.

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

14 Section 1. Section 1701(a)(2) of the act of February 14,
15 2008 (P.L.6, No.3), known as the Right-to-Know Law, is amended

16 AND THE SUBSECTION IS AMENDED BY ADDING PARAGRAPHS to read: <--

17 Section 1701. Submission and retention of contracts.

18 (a) General rule.--Whenever any Commonwealth agency,
19 legislative agency or judicial agency shall enter into any
20 contract involving any property, real, personal or mixed of any
21 kind or description or any contract for personal services where
22 the consideration involved in the contract is \$5,000 or more, a

1 copy of the contract shall be filed with the Treasury Department  
2 within ten days after the contract is fully executed on behalf  
3 of the Commonwealth agency, legislative agency or judicial  
4 agency or otherwise becomes an obligation of the Commonwealth  
5 agency, legislative agency or judicial agency. The provisions of  
6 this chapter shall not apply to contracts for services protected  
7 by a privilege. The provisions of this chapter shall not apply  
8 to a purchase order evidencing fulfillment of an existing  
9 contract but shall apply to a purchase order evidencing new  
10 obligations. The following shall apply:

11 \* \* \*

12 (2) The Treasury Department [may] shall require each  
13 Commonwealth agency, legislative agency or judicial agency ~~\_\_\_\_\_~~ <--  
14 ~~prior to releasing funds associated with the contract,~~ to  
15 provide a summary with each contract, which shall include the  
16 following:

- 17 (i) Date of execution.  
18 (ii) Amount of the contract.  
19 (iii) Beginning date of the contract.  
20 (iv) End date of the contract, if applicable.  
21 (v) Name of the agency entering into the contract.  
22 (vi) The name of all parties executing the contract.  
23 (vii) Subject matter of the contract.

24 Each agency shall create and maintain the data under this  
25 paragraph in an ASCII-delimited text file, spreadsheet file  
26 or other file provided by Treasury Department regulation.

27 (3) NO LATER THAN EVERY SIX MONTHS, THE TREASURY <--  
28 DEPARTMENT SHALL PROVIDE NOTICE TO EACH COMMONWEALTH AGENCY,  
29 LEGISLATIVE AGENCY OR JUDICIAL AGENCY OF EACH AGENCY'S  
30 OBLIGATIONS UNDER THIS CHAPTER. THE TREASURY DEPARTMENT SHALL

1 PROVIDE THE NOTICE ON OR BEFORE JANUARY 15 AND JULY 15 OF  
2 EACH YEAR.

3 (4) WITHIN TEN DAYS IMMEDIATELY AFTER RECEIPT OF THE  
4 NOTICE FROM THE TREASURY DEPARTMENT UNDER PARAGRAPH (3), EACH  
5 COMMONWEALTH AGENCY, LEGISLATIVE AGENCY OR JUDICIAL AGENCY  
6 SHALL ATTEST, ON A FORM PROVIDED BY THE TREASURY DEPARTMENT,  
7 THAT ALL COPIES OF CONTRACTS REQUIRED TO BE SUBMITTED AND  
8 FILED WITH THE TREASURY DEPARTMENT UNDER THIS SUBSECTION HAVE  
9 BEEN SUBMITTED AND FILED AS OF THE DATE OF THE ATTESTATION.  
10 THE FOLLOWING SHALL APPLY TO THE ATTESTATION UNDER THIS  
11 PARAGRAPH:

12 (I) THE TREASURY DEPARTMENT SHALL MAKE THE  
13 ATTESTATION OF EACH COMMONWEALTH AGENCY, LEGISLATIVE  
14 AGENCY OR JUDICIAL AGENCY AVAILABLE FOR PUBLIC INSPECTION  
15 ON THE TREASURY DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET  
16 WEBSITE IN ACCORDANCE WITH SECTION 1702.

17 (II) THE TREASURY DEPARTMENT SHALL POST A LIST OF  
18 EACH COMMONWEALTH AGENCY, LEGISLATIVE AGENCY OR JUDICIAL  
19 AGENCY WHICH HAS FAILED TO SUBMIT A COMPLETED ATTESTATION  
20 FORM WITHIN 30 DAYS OF RECEIPT OF THE NOTICE UNDER  
21 PARAGRAPH (3).

22 (5) IF THE TREASURY DEPARTMENT DETERMINES THAT A  
23 COMMONWEALTH AGENCY, LEGISLATIVE AGENCY OR JUDICIAL AGENCY  
24 HAS NOT SUBMITTED AN ATTESTATION FORM UNDER PARAGRAPH (4),  
25 THE TREASURY DEPARTMENT SHALL HAVE THE FOLLOWING DUTIES:

26 (I) CONTACT THE AGENCY TO INFORM THE AGENCY THAT  
27 FAILURE TO COMPLY WITH PARAGRAPH (4) MAY RESULT IN A  
28 DELAY OR REJECTION OF PAYMENT REQUESTS FROM THE TREASURY  
29 DEPARTMENT ASSOCIATED WITH THE CONTRACT.

30 (II) PROVIDE A REASONABLE OPPORTUNITY FOR THE AGENCY

1           TO SUBMIT AND FILE A CURRENT ATTESTATION FORM WITH THE  
2           TREASURY DEPARTMENT.

3           (6) IF THE TREASURY DEPARTMENT DETERMINES THAT A  
4           COMMONWEALTH AGENCY, LEGISLATIVE AGENCY OR JUDICIAL AGENCY  
5           HAS NOT FILED A COPY OF A CONTRACT WITH THE TREASURY  
6           DEPARTMENT UNDER THIS SUBSECTION, THE TREASURY DEPARTMENT MAY  
7           DELAY OR WITHHOLD APPROVAL OF A PAYMENT REQUEST ASSOCIATED  
8           WITH THE CONTRACT FROM THAT AGENCY UNTIL THE CONTRACT IS  
9           FILED WITH THE TREASURY DEPARTMENT.

10           \* \* \*

11           Section 2. This act shall take effect in 60 days.