

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1053 Session of 2011

INTRODUCED BY PICCOLA, SCARNATI, BRUBAKER, BROWNE, DINNIMAN,
LEACH, SMUCKER, McILHINNEY, ERICKSON, CORMAN, D. WHITE,
ROBBINS, GORDNER, ORIE, TOMLINSON, KASUNIC, BOSCOLA,
BREWSTER, MENSCH, WAUGH, ARGALL, GREENLEAF, RAFFERTY,
SCHWANK, ALLOWAY, EICHELBERGER AND PIPPY, JUNE 3, 2011

REFERRED TO FINANCE, JUNE 3, 2011

AN ACT

1 Amending Title 24 (Education) of the Pennsylvania Consolidated
2 Statutes, further providing for definitions and for
3 administrative duties of board.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 8102 of Title 24 of the Pennsylvania
7 Consolidated Statutes is amended by adding definitions to read:
8 § 8102. Definitions.

9 The following words and phrases when used in this part shall
10 have, unless the context clearly indicates otherwise, the
11 meanings given to them in this section:

12 * * *

13 "Active employee association." A membership organization
14 that is all of the following:

15 (1) Incorporated in this Commonwealth with a governing
16 body consisting of active members.

17 (2) Classified as a nonprofit organization under section

501(c) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)).

(3) Supported with the self-payment of membership dues by at least 15% of the active members of the system.

* * *

"Annuitant association." A voluntary membership organization that is all of the following:

(1) Incorporated in this Commonwealth with a governing body consisting exclusively of annuitants.

(2) Classified as a nonprofit organization under section 501(c)(4) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(4)).

(3) Supported with the self-payment of membership dues in retirement by at least 15% of the annuitant members of the system.

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Section 2. Section 8502 of Title 24 is amended by adding subsections to read:

§ 8502. Administrative duties of board.

* * *

(g) Information to active employee and annuitant associations.--

(1) An active employee association or annuitant association shall be entitled to receive from the board members' names and home addresses for the purpose of promoting membership in the active employee association or annuitant association. In addition to all other information made available to the public under the laws of this Commonwealth, including the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, and that is available

1 in electronic form the board shall provide to an active
2 employee association and annuitant association the members'
3 names and home addresses. The board shall not make available
4 to the public or to active employee associations and
5 annuitant associations the name and home address of a
6 member's designated beneficiary.

7 (2) Within 30 days of the effective date of this
8 subsection, the board shall provide to all members written
9 notice of the disclosure of information pursuant to this
10 subsection and an opportunity to refuse to allow the
11 disclosure. Members shall have 90 days to respond to this
12 notice, and no information shall be transmitted to an active
13 employee or annuitant association under this subsection until
14 the conclusion of that period. With the application for entry
15 into the system, each new member shall be given notice of the
16 disclosure pursuant to this subsection and an opportunity to
17 refuse to allow disclosure. The board shall establish a
18 procedure for timely processing of the requests of members
19 who wish to change the protected status of their information.
20 If any member refuses to allow disclosure, the member's
21 information shall not be subject to disclosure under this
22 subsection.

23 (3) The board shall produce and transmit either
24 electronically or by mail the member information subject to
25 disclosure under paragraph (1) to each active employee
26 association and annuitant association by the tenth day of
27 each month for the preceding month unless the association
28 shall consent to a less frequent schedule for production and
29 transmittal of the information, if the active employee
30 association or annuitant association reimburses the board for

1 the actual or reasonable cost the board incurs each month in
2 providing the information.

3 (4) Any information or records provided to an active
4 employee association or annuitant association under this
5 subsection shall be held in confidence by that association
6 and any individual employed by or associated with that
7 association. No active employee association or annuitant
8 association may give, transfer, sell or, in any other manner,
9 distribute to any person or entity outside the active
10 employee association or annuitant association the information
11 for any individual member obtained under this subsection. The
12 information and records shall not be open to examination for
13 any purpose not directly connected with the administration of
14 the services specified as the purpose under paragraph (1).

15 (5) Except as otherwise set forth under this subsection,
16 nothing under this subsection shall be construed to limit the
17 use by an active employee association or annuitant
18 association of any information on active employees or
19 annuitants who elect membership in the active employee
20 association or annuitant association.

21 (r) Civil relief against active employee associations and
22 annuitant associations.--

23 (1) The Office of Attorney General or any active
24 employee or annuitant may bring civil action against an
25 active employee association or annuitant association which
26 intentionally violates subsection (q).

27 (2) In addition to any other remedy provided by law, the
28 Attorney General or an active employee or an annuitant
29 bringing an action under this subsection may:

30 (i) Seek injunctive relief to restrain the active

1 employee association or annuitant association from
2 distributing the records or information.

3 (ii) Recover actual damages arising from the willful
4 violation by an active employee association or an
5 annuitant association.

6 (iii) Seek both injunctive relief and recovery of
7 damages as provided by this subsection.

8 Section 3. This act shall take effect in 60 days.