

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2403 Session of 2012

INTRODUCED BY DENLINGER, BAKER, BEAR, BENNINGHOFF, BLOOM, BOYD, BRADFORD, R. BROWN, CALTAGIRONE, CREIGHTON, DAY, EMRICK, EVERETT, FARRY, GEORGE, GILLEN, GINGRICH, GODSHALL, GROVE, HAHN, HARKINS, HARPER, HARRIS, HEFFLEY, HELM, HICKERNELL, HORNAMAN, HUTCHINSON, KAMPF, KAUFFMAN, F. KELLER, M. K. KELLER, LAWRENCE, MAHONEY, MASSER, MILLARD, MILLER, MILNE, MOUL, MURT, PICKETT, ROCK, SAYLOR, SCAVELLO, STABACK, STEVENSON, STURLA, SWANGER, TALLMAN, TOEPEL, TOOHL, TRUITT, VULAKOVICH AND WATERS, MAY 23, 2012

REFERRED TO COMMITTEE ON EDUCATION, MAY 23, 2012

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

1 body consisting of active members.

2 (2) Classified as a nonprofit organization under section  
3 501(c) of the Internal Revenue Code of 1986 (Public Law  
4 99-514, 26 U.S.C. § 501(c)).

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

7 \* \* \*

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

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

12 (2) Classified as a nonprofit organization under section  
13 501(c)(4) of the Internal Revenue Code of 1986 (Public Law  
14 99-514, 26 U.S.C. § 501(c)(4)).

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

18 \* \* \*

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

21 § 8502. Administrative duties of board.

22 \* \* \*

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

25 (1) An active employee association or annuitant  
26 association shall be entitled to receive from the board  
27 members' names and home addresses for the purpose of  
28 promoting membership in the active employee association or  
29 annuitant association. In addition to all other information  
30 made available to the public under the laws of this

1 Commonwealth, including the act of February 14, 2008 (P.L.6,  
2 No.3), known as the Right-to-Know Law, and that is available  
3 in electronic form the board shall provide to an active  
4 employee association and annuitant association the members'  
5 names and home addresses. The board shall not make available  
6 to the public or to active employee associations and  
7 annuitant associations the name and home address of a  
8 member's designated beneficiary.

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

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

1 transmittal of the information, if the active employee  
2 association or annuitant association reimburses the board for  
3 the actual or reasonable cost the board incurs each month in  
4 providing the information.

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

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

23 (r) Civil relief against active employee associations and  
24 annuitant associations.--

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

29 (2) In addition to any other remedy provided by law, the  
30 Attorney General or an active employee or an annuitant

1 bringing an action under this subsection may:

2 (i) Seek injunctive relief to restrain the active  
3 employee association or annuitant association from  
4 distributing the records or information.

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

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

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