

RONALD G. WATERS, MEMBER
191ST LEGISLATIVE DISTRICT



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MEMORANDUM

DATE: December 13, 2011

TO: Members of the House of Representatives

FROM: Rep. Ronald G. Waters *RGW*
191st Legislative District

SUBJECT: PROHIBITION ON THE USE OF STATE FUNDS TO PAY LEGAL EXPENSES

In the very near future, I intend to introduce a legislative proposal that would prohibit the use of State funds to pay certain legal expenses incurred by any officer or employee of institutions of higher education. The prohibition would extend to certain former officers and employees and volunteers who interact, directly or indirectly, with minor children in institution sanctioned activities.

Specifically, this legislation would prohibit an institution of higher education from using State funds to pay legal expenses incurred by an officer or employee as a result of criminal conduct. The prohibition would be applicable to any institution of higher education that receives a State appropriation. Furthermore, as a condition of receiving a State appropriation, an institution of higher education would have to affirm that no State funds disbursed to it would be used to pay for or reimburse the costs incurred to defend alleged criminal conduct engaged in by an officer or employee of the institution of higher education. The affirmation would be made in the manner prescribed by the State Treasurer.

Each institution of higher education that receives a State appropriation would also be required to report any arrest, charge or criminal indictment of an officer or employee for a misdemeanor or felony violation of Title 18 (Crimes Code) and any of the offenses enumerated in §111 of the Public School Code (background checks of prospective employees). As stipulated in the proposal, institutions of higher education must submit the report to the Treasury Department within 14 days of an arrest, charge or criminal indictment of an officer or employee. The State Treasurer would be given the authority to withhold his warrant for the payment of State funds to any institution of higher education that would fail to submit the report, until such time that the institution of higher education complies with the reporting requirement.

If you would like to join me as a sponsor of this proposal, please contact Nilda Jenkins at njenkins@pahouse.net or 717-772-6955.

Thank you.