

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 444 Session of 2013

INTRODUCED BY PILEGGI, SMUCKER, RAFFERTY, WAUGH, FONTANA, FOLMER, TEPLITZ, GREENLEAF, WARD, ALLOWAY, YAW, YUDICHAK, BAKER, FERLO, MENSCH, ERICKSON, VANCE, VULAKOVICH, FARNESE, BROWNE, CORMAN, BLAKE AND BREWSTER, APRIL 26, 2013

SENATOR SMUCKER, STATE GOVERNMENT, AS AMENDED, JUNE 18, 2014

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,"
10 further providing for definitions; providing for Pennsylvania
11 Interscholastic Athletic Association; further providing for
12 requests; providing for inmate access; and further providing <--
13 for access, for requests, for written requests, for
14 production of certain records, for exceptions for public
15 records, for agency response in general, for filing of
16 appeal, for appeals officers, for specified agencies, for fee
17 limitations and, for Office of Open Records, FOR REPORTING, <--
18 FOR CONTENTS OF REPORT AND FOR COPIES AND POSTING; AND
19 PROVIDING FOR CONTRACTS.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. The definitions of "confidential proprietary
23 information," "independent agency," "local agency," "personal
24 financial information" and "State-affiliated entity" in section
25 102 of the act of February 14, 2008 (P.L.6, No.3), known as the

1 Right-to-Know Law, are amended and the section is amended by
2 adding definitions to read:

3 Section 102. Definitions.

4 The following words and phrases when used in this act shall
5 have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 * * *

8 "Commercial purpose." The use of a record:

9 (1) for the purpose of selling or reselling any portion
10 of the record;

11 (2) to obtain names and addresses from the record for
12 the purpose of solicitation; or

13 (3) in a manner through which the requester can
14 reasonably expect to make a profit.

15 The term does not include the use of a public record by an
16 educational or noncommercial scientific institution for
17 scholarly or scientific research or the use of a public record
18 by the news media for NEWS GATHERING OR dissemination in a <--
19 newspaper, periodical, DIGITAL PUBLICATION or radio or <--
20 television news broadcast.

21 * * *

22 "Confidential proprietary information." Commercial or
23 financial information received or created by an agency:

24 (1) which is privileged or confidential; and

25 (2) the disclosure of which would cause substantial harm
26 to the competitive position of the person that submitted the
27 information.

28 * * *

29 "Funding source." The General Fund, a special fund or other
30 Federal or State funds appropriated by the General Assembly by

1 statute or BY executive authorization.

2 * * *

3 "Independent agency." Any board, commission, authority or
4 other agency or officer of the Commonwealth, that is not subject
5 to the policy supervision and control of the Governor. The term
6 does not include a legislative or judicial agency.

7 * * *

8 "Local agency." Any of the following:

9 (1) Any political subdivision, intermediate unit,
10 charter school, cyber charter school or public trade or
11 vocational school.

12 (2) Any local, intergovernmental, regional or municipal
13 agency, authority, council, board, commission or similar
14 governmental entity. This paragraph includes an economic
15 development authority and an industrial development
16 authority.

17 (3) Any campus police department of a State-owned or
18 State-related college or university.

19 * * *

20 "Personal financial information." An individual's personal
21 credit, charge or debit card information; bank account OR OTHER <--
22 FINANCIAL INSTITUTION ACCOUNT information; bank, credit or
23 financial statements; account or PIN numbers; forms required to
24 be filed by a taxpayer with a Federal or Commonwealth taxing
25 authority; and other information relating to an individual's
26 personal finances.

27 * * *

28 "State-affiliated entity." A Commonwealth authority or
29 Commonwealth entity. The term includes the Pennsylvania Higher
30 Education Assistance Agency and any entity established thereby,

1 the Pennsylvania Gaming Control Board, the Pennsylvania Game
2 Commission, the Pennsylvania Fish and Boat Commission, the
3 Pennsylvania Housing Finance Agency, the Pennsylvania Municipal
4 Retirement Board, the State System of Higher Education, a
5 community college, the Pennsylvania Turnpike Commission, the
6 Pennsylvania Public Utility Commission, the Pennsylvania
7 Infrastructure Investment Authority, the State Public School
8 Building Authority[, the Pennsylvania Interscholastic Athletic
9 Association] and the Pennsylvania Higher Educational Facilities
10 Authority. The term does not include a State-related
11 institution.

12 * * *

13 "Time response log." A log created, received, maintained or
14 retained by a public-safety answering point (PSAP), as defined
15 in 35 Pa.C.S. § 5302 (relating to definitions), containing the
16 following information:

17 (1) The time the call was received by the PSAP.

18 (2) The time the PSAP contacted or dispatched the
19 appropriate agency for response.

20 (3) The time the appropriate agency responded.

21 (4) The time the appropriate agency arrived on the
22 scene.

23 (5) The time the appropriate agency became available.

24 (6) The address of the incident or the cross street or
25 mile marker nearest the scene of the incident.

26 * * *

27 Section 2. The act is amended by adding a section to read:

28 Section 307. Pennsylvania Interscholastic Athletic Association.

29 ~~This act shall apply to the Pennsylvania Interscholastic~~ <--

30 ~~Athletic Association.~~ FOR PURPOSES OF THIS ACT, THE PENNSYLVANIA <--

1 INTERSCHOLASTIC ATHLETIC ASSOCIATION IS CONSIDERED TO BE A
2 COMMONWEALTH AGENCY AND SHALL PROVIDE PUBLIC RECORDS IN
3 ACCORDANCE WITH THIS ACT.

4 Section 3. Section 506 of the act is amended to read:

5 Section 506. Requests.

6 (a) Disruptive requests.--

7 (1) An agency may deny a requester access to a record if
8 the requester has made repeated requests for that same record
9 and the repeated requests have placed an unreasonable burden
10 on the agency.

11 (2) A denial under this subsection shall not restrict
12 the ability to request a different record.

13 ~~(3) If a request or a related group of requests would be <--~~
14 ~~unduly burdensome, the agency may petition a court of~~
15 ~~competent jurisdiction for a protective order. The court may~~
16 ~~issue a protective order upon a showing of good cause,~~
17 ~~including:~~

18 ~~(i) That the provision of the records requested be~~
19 ~~prohibited.~~

20 ~~(ii) That only certain records be released.~~

21 ~~(4) An agency may deny requests to a party to litigation~~
22 ~~which are related to pending litigation or which were~~
23 ~~previously made in litigation discovery.~~

24 (b) Disaster or potential damage.--

25 (1) An agency may deny a requester access:

26 (i) when timely access is not possible due to fire,
27 flood or other disaster; or

28 (ii) to historical, ancient or rare documents,
29 records, archives and manuscripts when access may, in the
30 professional judgment of the curator or custodian of

1 records, cause physical damage or irreparable harm to the
2 record.

3 (2) To the extent possible, the contents of a record
4 under this subsection shall be made accessible to a requester
5 even when the record is physically unavailable.

6 (c) Agency discretion.--An agency may exercise its
7 discretion to make any otherwise exempt record accessible for
8 inspection and copying under this chapter, if all of the
9 following apply:

10 (1) Disclosure of the record is not prohibited or
11 restricted under any of the following:

12 (i) Federal or State law or regulation.

13 (ii) Judicial order or decree.

14 (2) The record is not protected by a privilege.

15 (3) The agency head determines that the public interest
16 favoring access outweighs any individual, agency or public
17 interest that may favor restriction of access.

18 (d) Agency possession.--

19 (1) [A public record that is not in the possession of an
20 agency but is in the possession of a party with whom the
21 agency has contracted to perform a governmental function on
22 behalf of the agency, and which directly relates to the
23 governmental function and is not exempt under this act, shall
24 be considered a public record of the agency for purposes of
25 this act.] An agency which is a party to a contract shall
26 provide a copy of the contract and any public records of the
27 agency relating to the contract.

28 (2) Nothing in this act shall be construed to require
29 access to any other record of the party in possession of the
30 public record.

1 (3) A request for a public record in possession of a
2 party other than the agency shall be submitted to the open
3 records officer of the agency. Upon a determination that the
4 record is subject to access under this act, the open records
5 officer shall assess the duplication fee established under
6 section 1307(b) and upon collection shall remit the fee to
7 the party in possession of the record if the party duplicated
8 the record.

9 Section 4. The act is amended by adding a section to read:

10 Section 508. Inmate access.

11 (a) Status.--Except as provided in subsection (b), an inmate
12 may not be a requester for purposes of this act.

13 (b) Records.--An agency shall provide an inmate with copies
14 of the following records as they pertain DIRECTLY to the inmate <--
15 if the disclosure of the record will not diminish the safety or
16 security of any person or correctional facility:

17 (1) Criminal records relating to the criminal commitment
18 of the inmate.

19 (2) Institutional housing information.

20 (3) The inmate's financial records.

21 (4) The inmate's work records.

22 (5) The inmate's educational records.

23 (6) The inmate's disciplinary records.

24 (7) Disciplinary, HOUSING and other policies adopted by <--
25 the correctional institution.

26 (8) A record relating to any Federal or State benefit
27 received by the inmate or for which the inmate is eligible.

28 (9) The inmate's tax records.

29 (10) The inmate's voting records.

30 (11) Records relating to any license issued to the

1 inmate by a Commonwealth or local agency.

2 (c) Applicability.--Nothing under this section shall
3 prohibit a ~~correctional institution~~ AN AGENCY from voluntarily <--
4 permitting an inmate to have access to records not listed under
5 subsection (b) or prevent a ~~correctional institution~~ AN AGENCY <--
6 from complying with a lawful subpoena or court order.

7 Section 5. Sections 701, 702, 703 and 707 of the act are
8 amended to read:

9 Section 701. Access.

10 (a) General rule.--Unless otherwise provided by law, a
11 public record, legislative record or financial record shall be
12 accessible for inspection and duplication in accordance with
13 this act. A record being provided to a requester shall be
14 provided in the medium, computer file format or other format
15 requested if it exists in that medium, computer file format or
16 other format; otherwise, it shall be provided in the medium in
17 which it exists. Public records, legislative records or
18 financial records shall be available for access during the
19 regular business hours of an agency.

20 (b) Construction.--Nothing in this act shall be construed to
21 require access to any computer either of an agency or individual
22 employee of an agency.

23 Section 702. Requests.

24 Agencies may fulfill verbal[, written or anonymous verbal] or
25 written requests for access to records under this act. If the
26 requester wishes to pursue the relief and remedies provided for
27 in this act, the request for access to records must be a written
28 request.

29 Section 703. Written requests.

30 A written request for access to records may be submitted in

1 person, by mail, by e-mail, by facsimile or, to the extent
2 provided by agency rules, by any other electronic means. A
3 written request must be addressed to the open-records officer
4 designated pursuant to section 502 or to the administrative
5 office of the agency. [Employees of an] The administrative
6 office of the agency shall [be directed to] promptly forward
7 requests for records to the agency's open-records officer. A
8 written request should identify or describe the records sought
9 with sufficient specificity to enable the agency to ascertain
10 which records are being requested and shall include the name and
11 address to which the agency should address its response. [A]
12 Except as required under section 707(d), a written request need
13 not include any explanation of the requester's reason for
14 requesting or intended use of the records unless otherwise
15 required by law. A written request must include the name and
16 address of the requester and the name of the agency to which the
17 request is addressed.

18 Section 707. Production of certain records.

19 (a) General rule.--If, in response to a request, an agency
20 produces a record that is not a public record, legislative
21 record or financial record, the agency shall notify any third
22 party that provided the record to the agency, the person that is
23 the subject of the record and the requester.

24 (b) Requests for trade secrets.--An agency shall notify a
25 third party of a request for a record if the third party
26 provided the record and included a written statement signed by a
27 representative of the third party that the record contains a
28 trade secret or confidential proprietary information.

29 Notification shall be provided within five business days of
30 receipt of the request for the record. The third party shall

1 have five business days from receipt of notification from the
2 agency to provide input on the release of the record. The agency
3 shall deny the request for the record or release the record
4 within ten business days of the provision of notice to the third
5 party and shall notify the third party of the decision.

6 (c) Transcripts.--

7 (1) Prior to an adjudication becoming final, binding and
8 nonappealable, a transcript of an administrative proceeding
9 shall be provided to a requester by the agency stenographer
10 or a court reporter, in accordance with agency procedure or
11 an applicable contract.

12 (2) Following an adjudication becoming final, binding
13 and nonappealable, a transcript of an administrative
14 proceeding shall be provided to a requester in accordance
15 with the duplication rates established in section 1307(b).

16 (3) Nothing in this subsection shall be construed to
17 require an agency to transcribe a proceeding solely for
18 purposes of responding to a request under this act.

19 (d) Commercial requests.--An agency may require a requester
20 to certify in writing whether the request is for a commercial
21 purpose. Certification shall be submitted on a form developed by
22 the Office of Open Records that shall provide a checkoff for the
23 requester to use to indicate whether the request is for a
24 commercial purpose. A requester that submits a false written
25 statement shall be subject to 18 Pa.C.S. § 4904 (relating to
26 unsworn falsification to authorities).

27 Section 6. Section 708(b)(10)(i) and (ii), (13), (17) and
28 (18) and (c) of the act are amended and subsection (b) is
29 amended by adding paragraphs to read:

30 Section 708. Exceptions for public records.

1 * * *

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

5 * * *

6 (5.1) The payment records of a person receiving services
7 from a public water or sewer authority or other municipal
8 authority, municipality or cooperative that provides
9 electricity, water, sewer, storm water, natural gas or
10 similar service. The authority, municipality or cooperative
11 shall establish a process to provide a clearance certificate
12 to a person to certify that all fees and charges owed have
13 been paid. A reasonable fee for a clearance certificate may
14 be charged. This paragraph shall not apply to reports of
15 aggregate payments made by a municipality, authority or
16 cooperative to assist low-income consumers or other consumers
17 in obtaining services. If funds are owed, the amount of the
18 delinquency shall appear on the clearance certificate.

19 * * *

20 (6.1) Tax payment records in the possession of a tax
21 collector OR MUNICIPALITY RESPONSIBLE FOR THE COLLECTION OF <--
22 TAXES. A tax collector OR MUNICIPALITY shall establish a <--
23 process to provide a clearance certificate to a person
24 certifying that all local taxes owed have been paid. If funds
25 are owed, the amount of the delinquency shall appear on the
26 clearance certificate. A reasonable fee for a clearance
27 certificate may be charged. As used in this paragraph, the
28 term "tax collector" means an elected tax collector or an
29 employee or contractor of an agency that collects local taxes
30 pursuant to law.

1 * * *

2 (10) As follows:

3 (i) A record that reflects, contains or includes:

4 (A) The internal, predecisional deliberations of
5 an agency, its members, employees or officials or
6 predecisional deliberations between agency members,
7 employees or officials and members, employees or
8 officials of another agency, including predecisional
9 deliberations relating to a budget recommendation,
10 legislative proposal, legislative amendment,
11 contemplated or proposed policy or course of action
12 or any research, memos or other documents used in the
13 predecisional deliberations.

14 (B) The strategy to be used to develop or
15 achieve the successful adoption of a budget,
16 legislative proposal or regulation.

17 (ii) Subparagraph (i) (A) shall apply to agencies
18 subject to 65 Pa.C.S. Ch. 7 (relating to open meetings)
19 in a manner consistent with 65 Pa.C.S. Ch. 7. A record
20 which is not otherwise exempt from access under this act
21 and which is presented to a quorum for deliberation in
22 accordance with 65 Pa.C.S. Ch. 7 shall be a public record
23 regardless of whether a vote occurs at the meeting.

24 * * *

25 (13) Records that would disclose the identity of, or
26 PERSONAL financial information relating to, an individual who <--
27 lawfully makes a donation to an agency unless the donation is
28 intended for or restricted to providing remuneration or
29 personal tangible benefit to a named public official or
30 employee of the agency, including lists of potential donors

1 compiled by an agency to pursue donations, donor profile
2 information or personal identifying information relating to a
3 donor.

4 * * *

5 (17) [A] Except for a safety inspection report made
6 pursuant to Federal or State law, a record of an agency
7 relating to a noncriminal investigation, including:

8 (i) Complaints submitted to an agency.

9 (ii) Investigative materials, notes, correspondence
10 and reports.

11 (iii) A record that includes the identity of a
12 confidential source, including individuals subject to the
13 act of December 12, 1986 (P.L.1559, No.169), known as the
14 Whistleblower Law.

15 (iv) A record that includes information made
16 confidential by law.

17 (v) Work papers underlying an audit.

18 (vi) A record that, if disclosed, would do any of
19 the following:

20 (A) Reveal the institution, progress or result
21 of an agency investigation, except the imposition of
22 a fine or civil penalty, the suspension, modification
23 or revocation of a license, permit, registration,
24 certification or similar authorization issued by an
25 agency or an executed settlement agreement unless the
26 agreement is determined to be confidential by a
27 court.

28 (B) Deprive a person of the right to an
29 impartial adjudication.

30 (C) Constitute an unwarranted invasion of

1 privacy.

2 (D) Hinder an agency's ability to secure an
3 administrative or civil sanction.

4 (E) Endanger the life or physical safety of an
5 individual.

6 (18) Emergency dispatches as follows:

7 (i) Records or parts of records, except time
8 response logs, pertaining to audio recordings, telephone
9 or radio transmissions received by emergency dispatch
10 personnel, including 911 recordings.

11 (ii) This paragraph shall not apply to a 911
12 recording, or a transcript of a 911 recording, if the
13 agency or a court determines that the public interest in
14 disclosure outweighs the interest in nondisclosure.

15 (iii) The home address of the individual who
16 accesses emergency dispatch. The record may include the
17 nearest cross streets to that address.

18 * * *

19 (31) An agency's bank account numbers, bank routing
20 numbers, credit card numbers or passwords.

21 (32) A record of any of the following:

22 (i) A volunteer ambulance service.

23 (ii) A volunteer fire company.

24 (iii) A volunteer rescue company.

25 (iv) A volunteer water rescue company.

26 (v) A volunteer organization that provides hazardous
27 materials response services.

28 (vi) A volunteer organization that provides
29 emergency medical services.

30 Section 506(d)(1) shall apply to a volunteer organization

1 under this paragraph that contracts with a local agency to
2 provide services to the local agency.

3 (c) Financial records.--The exceptions set forth in
4 subsection (b) shall not apply to financial records, except that
5 an agency may redact that portion of a financial record
6 protected under subsection (b) (1), (2), (3), (4), (5), (6),
7 (11), (13), (16) or (17). An agency shall not disclose the
8 identity of an individual performing an undercover or covert law
9 enforcement activity.

10 * * *

11 Section 7. Sections 901 and 1101 of the act are amended to
12 read:

13 Section 901. General rule.

14 (a) Determination.--Upon receipt of a written request for
15 access to a record, an agency shall make a good faith effort to
16 determine if the record requested is a public record,
17 legislative record or financial record and whether the agency
18 has possession, custody or control of the identified record, and
19 to respond as promptly as possible under the circumstances
20 existing at the time of the request. All applicable fees shall
21 be paid in order to receive access to the record requested.

22 (b) Time for response.--The time for response shall not
23 exceed:

24 (1) In the case of a request made in person or submitted
25 by regular mail, e-mail, web form, facsimile or similar
26 means, five business days from the date the written request
27 is received by the open-records officer for an agency. If the
28 agency fails to send the response within five business days
29 of receipt of the written request for access, the written
30 request for access shall be deemed denied.

1 (2) (Reserved).

2 Section 1101. Filing of appeal.

3 [(a) Authorization.--

4 (1) If a written request for access to a record is]

5 (a) Authorization.--The following shall apply:

6 (1) (i) If a written request for access to a record is
7 denied or deemed denied, the requester may file an appeal
8 with the Office of Open Records or judicial, legislative
9 or other appeals officer designated under section 503(d)
10 within [15] 20 business days of the [mailing] postmark
11 date of the agency's response or within [15] 20 business
12 days of a deemed denial, whichever comes first.

13 (ii) The appeal shall [state the grounds upon which
14 the requester asserts that the record is a public record,
15 legislative record or financial record and shall address
16 any grounds stated by the agency for delaying or denying
17 the request.] include the following:

18 (A) A copy of the original request.

19 (B) The agency denial.

20 (C) A list of the records that were denied.

21 (iii) The office shall provide a form on its
22 publicly accessible Internet website which may be used by
23 the requester to file the appeal.

24 (2) Except as provided in section 503(d), in the case of
25 an appeal of a decision by a Commonwealth agency or local
26 agency, the Office of Open Records shall assign an appeals
27 officer to review the denial.

28 (b) Determination.--

29 (1) Unless the requester agrees otherwise, the appeals
30 officer shall make a final determination which shall be

1 mailed to the requester and the agency within 30 days of
2 receipt of the appeal filed under subsection (a). The appeals
3 officer may extend this deadline by up to 15 days by
4 providing notice to both parties. If a hearing or in-camera
5 review is held under section 1102(a)(2), the appeals officer
6 may extend the deadline up to 90 additional days.

7 (1.1) If the issue before the office is substantially
8 the same as an issue currently on appeal to Commonwealth
9 Court, the appeals officer may stay the appeal until
10 Commonwealth Court issues a decision on the matter.

11 (2) If the office or other appeals officer fails to
12 issue a final determination within 30 days OR AS OTHERWISE <--
13 PROVIDED UNDER PARAGRAPH (1), the appeal is deemed denied.

14 (3) Prior to issuing a final determination, a hearing
15 may be conducted. The determination by the appeals officer
16 shall be a final order. The appeals officer shall provide a
17 written explanation of the reason for the decision to the
18 requester and the agency.

19 (c) Direct interest.--

20 (1) A person other than the agency or requester with a
21 direct interest in the record subject to an appeal under this
22 section may, within 15 days following receipt of actual
23 knowledge of the appeal but no later than the date the
24 appeals officer issues an order, file a written request to
25 provide information or to appear before the appeals officer
26 or to file information in support of the requester's or
27 agency's position.

28 (2) The appeals officer may grant a request under
29 paragraph (1) if:

30 (i) no hearing has been held;

1 (ii) the appeals officer has not yet issued its
2 order; and
3 (iii) the appeals officer believes the information
4 will be probative.

5 (3) Copies of the written request shall be sent to the
6 agency and the requester.

7 Section 8. Section 1102(a) of the act is amended and the
8 section is amended by adding a subsection to read:

9 Section 1102. Appeals officers.

10 (a) Duties.--An appeals officer designated under section 503
11 shall do all of the following:

12 (1) Set a schedule for the requester and the open-
13 records officer to submit documents in support of their
14 positions.

15 (2) Review all information filed relating to the
16 request. The appeals officer may hold a hearing or conduct an
17 in-camera review under subsection (c), in which case the
18 appeals officer may extend the deadline in section 1101(b)(1)
19 by up to 90 days. A decision to hold or not to hold a hearing
20 is not appealable. The appeals officer may admit into
21 evidence testimony, evidence and documents that the appeals
22 officer believes to be reasonably probative and relevant to
23 an issue in dispute. The appeals officer may limit the nature
24 and extent of evidence found to be cumulative.

25 (3) Consult with agency counsel as appropriate.

26 (4) Issue a final determination on behalf of the Office
27 of Open Records or other agency.

28 * * *

29 (c) Review.--The Office of Open Records may require an
30 agency to submit a record for the purpose of conducting an in-

1 camera review to determine if the record is a public record.

2 Section 9. Section 1301 heading and (a) of the act are
3 amended to read:

4 Section 1301. Commonwealth agencies, legislative agencies
5 [and], judicial agencies and the Office of Open
6 Records.

7 (a) General rule.--Within 30 days of the mailing date of the
8 final determination of the appeals officer relating to a
9 decision of a Commonwealth agency, a legislative agency [or], a
10 judicial agency or the Office of Open Records issued under
11 section 1101(b) or the date a request for access is deemed
12 denied, a requester or the agency may file a petition for review
13 or other document as might be required by rule of court with the
14 Commonwealth Court. The court shall notify the Commonwealth
15 agency, legislative agency, judicial agency or Office of Open
16 Records of the appeal. The decision of the court shall contain
17 findings of fact and conclusions of law based upon the evidence
18 as a whole. The decision shall clearly and concisely explain the
19 rationale for the decision.

20 * * *

21 Section 10. Section 1307(h) of the act is amended and the
22 section is amended by adding a subsection to read:

23 Section 1307. Fee limitations.

24 * * *

25 (g.1) Additional fees.--

26 (1) Notwithstanding subsection (e), each agency may
27 assess fees for responding to commercial requests under this
28 act. In addition to fees under subsections (a) and (b),
29 reasonable standard charges may be charged for document
30 search, review and redaction for documents for commercial

1 use.

2 (2) Fees under paragraph (1) must be calculated at no
3 more than the hourly wage of the lowest-paid public employee
4 of the agency who is capable of searching, retrieving,
5 reviewing and providing for redaction of the information
6 necessary to comply with the request.

7 (h) Prepayment.--Prior to granting a request for access in
8 accordance with this act, an agency may require a requester to
9 prepay an estimate of the fees authorized under this section if
10 the fees required to fulfill the request are expected to exceed
11 [\$100] \$50.

12 Section 11. ~~Section 1310~~ SECTIONS 1310, 1502, 1503 AND 1504 <--
13 of the act ~~is~~ ARE amended to read: <--

14 Section 1310. Office of Open Records.

15 (a) Establishment.--There is established [in the Department
16 of Community and Economic Development an] the Office of Open
17 Records, as an independent agency. The office shall do all of
18 the following:

19 (1) Provide information relating to the implementation
20 and enforcement of this act.

21 (2) Issue advisory opinions to agencies and requesters.

22 (3) Provide annual training courses to agencies, public
23 officials and public employees on this act and 65 Pa.C.S. Ch.
24 7 (relating to open meetings).

25 (4) Provide annual, regional training courses to local
26 agencies, public officials and public employees.

27 (5) Assign appeals officers to review appeals of
28 decisions by Commonwealth agencies or local agencies, except
29 as provided in section 503(d), filed under section 1101 and
30 issue orders and opinions. The office shall employ or

1 contract with attorneys to serve as appeals officers to
2 review appeals and, if necessary, to hold hearings on a
3 regional basis under this act. Each appeals officer must
4 comply with all of the following:

5 (i) Complete a training course provided by the
6 Office of Open Records prior to acting as an appeals
7 officer.

8 (ii) If a hearing is necessary, hold hearings
9 regionally as necessary to ensure access to the remedies
10 provided by this act.

11 (iii) Comply with the procedures under section
12 1102(b).

13 (6) Establish an informal mediation program to resolve
14 disputes under this act.

15 (7) Establish an Internet website with information
16 relating to this act, including information on fees, advisory
17 opinions and decisions and the name and address of all open
18 records officers in this Commonwealth.

19 (8) Conduct a biannual review of fees charged under this
20 act.

21 (9) Annually report on its activities and findings to
22 the Governor and the General Assembly. The report shall be
23 posted and maintained on the Internet website established
24 under paragraph (7).

25 (b) Executive director.--Within 90 days of the effective
26 date of this section, the Governor shall appoint an executive
27 director of the office who shall serve for a term of six years.
28 Compensation shall be set by the Executive Board established
29 under section 204 of the act of April 9, 1929 (P.L.177, No.175),
30 known as The Administrative Code of 1929. The executive director

1 may serve no more than two terms.

2 (c) Limitation.--The executive director shall not seek
3 election nor accept appointment to any political office during
4 his tenure as executive director and for one year thereafter.

5 (d) Staffing.--The executive director shall appoint
6 attorneys to act as appeals officers and additional clerical,
7 technical and professional staff as may be appropriate and may
8 contract for additional services as necessary for the
9 performance of the executive director's duties. The compensation
10 of attorneys and other staff shall be set by the Executive
11 Board. The appointment of attorneys shall not be subject to the
12 act of October 15, 1980 (P.L.950, No.164), known as the
13 Commonwealth Attorneys Act.

14 ~~(e) Duties. The executive director shall ensure that the~~ <--

15 (E) DUTIES.-- <--

16 (1) THE EXECUTIVE DIRECTOR SHALL ENSURE THAT THE duties
17 of the Office of Open Records are carried out and shall
18 monitor cases appealed to the Office of Open Records.

19 (2) THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT <--
20 SHALL PROVIDE PAYROLL AND ADMINISTRATIVE SUPPORT TO THE
21 OFFICE.

22 (e.1) Public comment.--The office shall abstain from public
23 comment about a pending proceeding before the office. This
24 subsection shall not prohibit the executive director EMPLOYEES <--
25 OF THE OFFICE from making public statements in the course of
26 official duties, from issuing written advisory opinions, from
27 making general comments on this act that are not related to a
28 SPECIFIC pending case or from explaining the procedures of the <--
29 office.

30 (f) Appropriation.--The appropriation for the office shall

1 be in a separate line item and shall be under the jurisdiction
2 of the executive director.

3 (g) Participation.--The office may participate as amicus
4 curiae in an appeal from a decision of the office and may, upon
5 approval of an appellate court, participate in oral argument.

6 SECTION 1502. REPORTING. <--

7 NO LATER THAN MAY 30 OF EACH YEAR, UNLESS OTHERWISE PROVIDED
8 UNDER THIS CHAPTER, A STATE-RELATED INSTITUTION SHALL FILE [WITH
9 THE GOVERNOR'S OFFICE, THE GENERAL ASSEMBLY, THE AUDITOR GENERAL
10 AND THE STATE LIBRARY] THE INFORMATION SET FORTH IN SECTION 1503
11 UNDER THE REQUIREMENTS OF SECTION 1504.

12 SECTION 1503. CONTENTS OF REPORT.

13 (A) INFORMATION INCLUDED.--THE REPORT REQUIRED UNDER SECTION
14 1502 SHALL INCLUDE THE FOLLOWING:

15 (1) EXCEPT AS PROVIDED IN PARAGRAPH (4), ALL INFORMATION
16 REQUIRED BY FORM 990 OR AN EQUIVALENT FORM OF THE UNITED
17 STATES DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE,
18 ENTITLED THE RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX,
19 REGARDLESS OF WHETHER THE STATE-RELATED INSTITUTION IS
20 REQUIRED TO FILE THE FORM BY THE FEDERAL GOVERNMENT.

21 (2) THE SALARIES OF ALL OFFICERS AND DIRECTORS OF THE
22 STATE-RELATED INSTITUTION.

23 (3) [THE] FOR A STATE-RELATED INSTITUTION WITH FEWER
24 THAN 2,500 EMPLOYEES, THE HIGHEST 25 SALARIES PAID TO
25 EMPLOYEES OF THE INSTITUTION THAT ARE NOT INCLUDED UNDER
26 PARAGRAPH (2). FOR A STATE-RELATED INSTITUTION WITH 2,500
27 EMPLOYEES OR MORE, THE HIGHEST 200 SALARIES PAID TO EMPLOYEES
28 OF THE INSTITUTION THAT ARE NOT INCLUDED UNDER PARAGRAPH (2).

29 (4) THE REPORT SHALL NOT INCLUDE INFORMATION RELATING TO
30 INDIVIDUAL DONORS.

1 (5) REVENUE AND EXPENDITURE BUDGETS OF THE STATE-RELATED
2 INSTITUTION'S ACADEMIC AND ADMINISTRATIVE SUPPORT UNITS FOR
3 THE CURRENT FISCAL YEAR.

4 (6) THE ACTUAL REVENUE AND EXPENDITURES FOR THE PRIOR
5 YEAR.

6 (7) FOR ANY DEFINED PROJECT OR PROGRAM WHICH IS THE
7 SUBJECT OF A SPECIFIC LINE ITEM APPROPRIATION FROM THE
8 GENERAL FUND, THE STATE-RELATED INSTITUTION SHALL DISCLOSE
9 THE FOLLOWING:

10 (I) REVENUE AND EXPENDITURE BUDGETS OF THE DEFINED
11 PROGRAM OR PROJECT FOR THE CURRENT FISCAL YEAR.

12 (II) THE ACTUAL REVENUE AND EXPENDITURES OF THE
13 DEFINED PROGRAM OR PROJECT FOR THE PRIOR YEAR.

14 (8) THE REVENUE AND EXPENDITURES OF ANY AUXILIARY
15 ENTERPRISE WHICH IS DIRECTLY FUNDED IN WHOLE OR IN PART BY
16 TUITION OR A STATE APPROPRIATION FOR THE CURRENT FISCAL YEAR.

17 (9) THE MOST RECENT AUDITED FINANCIAL STATEMENT FOR THE
18 STATE-RELATED INSTITUTION.

19 (10) THE FOLLOWING INFORMATION FOR THE PRIOR FISCAL YEAR
20 FOR EACH ACADEMIC OR ADMINISTRATIVE SUPPORT UNIT, FOR EACH
21 DEFINED PROJECT OR PROGRAM AND FOR AN AUXILIARY ENTERPRISE:

22 (I) THE NUMBER OF EMPLOYEES BY ACADEMIC RANK.

23 (II) THE NUMBER OF ADMINISTRATORS, STAFF, CLERICAL
24 AND TECHNICAL SERVICE EMPLOYEES, BY CLASSIFICATION.

25 (III) MEDIAN AND MEAN SALARY BY ACADEMIC RANK.

26 (IV) MEDIAN AND MEAN SALARIES OF ADMINISTRATORS,
27 STAFF, CLERICAL AND TECHNICAL SERVICE EMPLOYEES, BY
28 CLASSIFICATION.

29 (V) NONSALARY COMPENSATION AS A PERCENTAGE OF
30 SALARY. NONSALARY COMPENSATION SHALL INCLUDE:

1 (A) MEDICAL BENEFITS.

2 (B) LIFE INSURANCE BENEFITS.

3 (C) PENSION BENEFITS.

4 (D) LEAVE BENEFITS.

5 (E) EMPLOYER SOCIAL SECURITY PAYMENTS.

6 (F) WORKERS' COMPENSATION BENEFITS.

7 (VI) A STATEMENT OF THE STATE-RELATED INSTITUTION'S
8 RETIREMENT POLICIES.

9 (VII) A POLICY STATEMENT RELATING TO A REDUCTION OF
10 TUITION FOR EMPLOYEES' FAMILY MEMBERS.

11 (VIII) A LIST BY ACADEMIC OR ADMINISTRATIVE SUPPORT
12 UNIT IN THE AGGREGATE OF THE EXPENSES OF TRAVEL,
13 SUBSISTENCE AND LODGING, WHETHER PROVIDED OR REIMBURSED.

14 (B) PROVIDING INFORMATION.--EACH STATE-RELATED INSTITUTION
15 SHALL PROVIDE FULL, COMPLETE AND ACCURATE INFORMATION AS MAY BE
16 REQUIRED BY THE DEPARTMENT OF EDUCATION OR THE CHAIRMAN OR THE
17 MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE SENATE
18 OR THE CHAIRMAN OR THE MINORITY CHAIRMAN OF THE APPROPRIATIONS
19 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

20 (C) FINANCIAL STATEMENTS.--EACH STATE-RELATED INSTITUTION
21 SHALL PRESENT AND REPORT ITS FINANCIAL STATEMENTS REQUIRED UNDER
22 THE PROVISIONS OF THIS ACT IN ACCORDANCE WITH:

23 (1) THE GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AS
24 PRESCRIBED BY THE NATIONAL ASSOCIATION OF COLLEGE AND
25 UNIVERSITY BUSINESS OFFICERS, THE AMERICAN INSTITUTE OF
26 CERTIFIED PUBLIC ACCOUNTANTS OR BY ANOTHER RECOGNIZED
27 AUTHORITATIVE BODY.

28 (2) THE "COMMONWEALTH OF PENNSYLVANIA BUDGET
29 INSTRUCTIONS FOR THE STATE SYSTEM OF HIGHER EDUCATION, STATE-
30 RELATED UNIVERSITIES AND NON-STATE-RELATED COLLEGES AND

1 UNIVERSITIES."

2 (3) THE FINANCIAL REPORTING POLICIES AND STANDARDS
3 PROMULGATED BY THE COMMONWEALTH OF PENNSYLVANIA AND BY THE
4 FEDERAL GOVERNMENT THAT APPLY TO THE STATE-RELATED
5 INSTITUTIONS.

6 (D) NONPREFERRED APPROPRIATIONS.--

7 (1) IN A YEAR A STATE-RELATED INSTITUTION RECEIVES A
8 NONPREFERRED APPROPRIATION, A REPORT SHALL BE SUBMITTED PRIOR
9 TO SEPTEMBER 1 AND MUST COVER THE 12-MONTH PERIOD BEGINNING
10 WITH THE SUMMER TERM OF THE PRECEDING YEAR. THE REPORT SHALL
11 INCLUDE:

12 (I) THE FOLLOWING COUNTS AND DISTRIBUTIONS FOR EACH
13 TERM DURING THE PERIOD:

14 (A) THE DEFINITION AND NUMBER OF:

15 (I) FACULTY MEMBERS EMPLOYED FULL TIME.

16 (II) FACULTY MEMBERS EMPLOYED PART TIME.

17 (III) FULL-TIME STUDENTS ENROLLED IN A
18 GRADUATE COURSE.

19 (IV) FULL-TIME STUDENTS ENROLLED IN AN
20 UNDERGRADUATE COURSE.

21 (V) PART-TIME STUDENTS ENROLLED IN A
22 GRADUATE COURSE.

23 (VI) PART-TIME STUDENTS ENROLLED IN AN
24 UNDERGRADUATE COURSE.

25 (B) THE TOTAL NUMBER OF:

26 (I) UNDERGRADUATE STUDENT CREDIT HOURS,
27 DIVIDED INTO LOWER DIVISION AND UPPER DIVISION
28 COURSE LEVELS.

29 (II) GRADUATE STUDENT CREDIT HOURS, DIVIDED
30 INTO THREE COURSE LEVELS: MASTER'S, FIRST

1 PROFESSIONAL AND DOCTORAL.

2 (C) THE NUMBER OF DIFFERENT COURSES SCHEDULED BY
3 LEVEL OF INSTRUCTION AND THE NUMBER OF SECTIONS OF
4 INDIVIDUAL INSTRUCTION SCHEDULED BY LEVEL OF
5 INSTRUCTION, EACH FURTHER SUBDIVIDED BY TWO-DIGIT
6 CLASSIFICATION OF INSTRUCTIONAL PROGRAM (CIP)
7 CATEGORIES OF INSTRUCTIONAL PROGRAMS OF HIGHER
8 EDUCATION AS DEFINED BY THE NATIONAL CENTER FOR
9 EDUCATION STATISTICS, UNITED STATES DEPARTMENT OF
10 EDUCATION.

11 (D) THE NUMBER OF TERMS SCHEDULED AND THE DATES
12 OF THE TERMS.

13 (II) FOR THE SUMMER TERM AND THE FOLLOWING ACADEMIC
14 YEAR IN TOTAL AND FOR EACH TWO-DIGIT CIP PROGRAM
15 CATEGORY:

16 (A) A CLASSIFICATION OF FACULTY MEMBERS OR OTHER
17 PROFESSIONAL EMPLOYEES BY TITLE, INCLUDING:

18 (I) PROFESSOR.

19 (II) ASSOCIATE PROFESSOR.

20 (III) ASSISTANT PROFESSOR.

21 (IV) INSTRUCTOR.

22 (V) LECTURER.

23 (VI) RESEARCH ASSOCIATE.

24 (VII) LIBRARIAN AND ACADEMIC ADMINISTRATOR.

25 (B) FACULTY MEMBERS OR OTHER PROFESSIONAL
26 EMPLOYEES UNDER EACH TITLE TO BE SUBDIVIDED INTO
27 TEACHING AND NONTEACHING.

28 (C) EACH SET OF FACULTY MEMBERS OR OTHER
29 PROFESSIONAL EMPLOYEES TO BE FURTHER SUBDIVIDED BY
30 FULL-TIME OR PART-TIME EMPLOYMENT.

1 (D) THE FOLLOWING AGGREGATES FOR EACH
2 SUBDIVIDED CLASSIFICATION:

3 (I) THE NUMBER OF FACULTY AND OTHER
4 PROFESSIONAL EMPLOYEES AND THE FULL-TIME
5 EQUIVALENCE IN INSTRUCTIONAL AND NON-
6 INSTRUCTIONAL FUNCTIONS.

7 (II) THE SUM OF CREDITS ASSIGNED TO
8 UNDERGRADUATE CLASSROOM COURSES AND THE SUM OF
9 CREDITS ASSIGNED TO GRADUATE CLASSROOM COURSES
10 TAUGHT DIVIDED INTO LOWER DIVISION, UPPER
11 DIVISION, MASTER'S, FIRST PROFESSIONAL AND
12 DOCTORAL COURSE LEVELS.

13 (III) THE SUM OF CREDITS ASSIGNED TO
14 UNDERGRADUATE INDIVIDUAL INSTRUCTION COURSES AND
15 THE SUM OF CREDITS ASSIGNED TO GRADUATE
16 INDIVIDUAL INSTRUCTION COURSES TAUGHT DIVIDED
17 INTO LOWER DIVISION, UPPER DIVISION, MASTER'S,
18 FIRST PROFESSIONAL AND DOCTORAL COURSE LEVELS.

19 (IV) THE SUM OF UNDERGRADUATE CLASSROOM
20 STUDENT CREDIT HOURS AND THE SUM OF GRADUATE
21 CLASSROOM STUDENT CREDIT HOURS GENERATED, DIVIDED
22 INTO LOWER DIVISION, UPPER DIVISION, MASTERS,
23 FIRST PROFESSIONAL AND DOCTORAL COURSE LEVELS.

24 (V) THE SUM OF UNDERGRADUATE INDIVIDUAL
25 INSTRUCTION STUDENT CREDIT HOURS AND THE SUM OF
26 GRADUATE INDIVIDUAL INSTRUCTION STUDENT CREDIT
27 HOURS GENERATED, DIVIDED INTO LOWER DIVISION,
28 UPPER DIVISION, MASTER'S, FIRST PROFESSIONAL AND
29 DOCTORAL COURSE LEVELS.

30 (VI) THE TOTAL SALARY PAID FOR INSTRUCTIONAL

1 FUNCTIONS AND FOR NONINSTRUCTIONAL FUNCTIONS AND
2 THE AMOUNT OF SALARY PAID FOR EACH OF THESE
3 FUNCTIONS FROM STATE-RELATED INSTITUTION FUNDS,
4 FEDERAL FUNDS AND OTHER FUNDS.

5 (III) FOR EACH TERM OF THE PERIOD COVERED FOR EACH
6 FACULTY MEMBER EMPLOYED FULL TIME IDENTIFIED BY TWO-DIGIT
7 CIP PROGRAM CATEGORY AND TITLE, THE REPORT SHALL CONTAIN
8 AN ANALYSIS OF THE AVERAGE HOURS PER WEEK SPENT:

9 (A) IN STATE-RELATED INSTITUTION-RELATED
10 ACTIVITIES, STATING SPECIFICALLY HOURS SPENT IN
11 UNDERGRADUATE CLASSROOM CONTACT AND GRADUATE
12 CLASSROOM CONTACT HOURS SPENT IN PREPARATION.

13 (B) IN RESEARCH.

14 (C) IN PUBLIC SERVICE.

15 (2) THE REPORT COVERING THE 12-MONTH PERIOD SHALL
16 INCLUDE FOR EACH PROGRAM OF THE STATE-RELATED INSTITUTION:

17 (I) MINIMUM NUMBER OF CREDITS REQUIRED FOR A
18 BACCALAUREATE DEGREE AND FOR A MASTER'S DEGREE.

19 (II) NUMBER OF BACHELOR'S DEGREES, MASTER'S DEGREES,
20 FIRST PROFESSIONAL DEGREES AND DOCTORAL DEGREES AWARDED
21 FOR THE PREVIOUS FIVE YEARS AND THOSE ESTIMATES FOR THAT
22 YEAR.

23 (E) MINUTES.--EACH STATE-RELATED INSTITUTION SHALL MAKE A
24 COPY OF THE MINUTES OF EACH PUBLIC MEETING OF THE INSTITUTION'S
25 BOARD OF TRUSTEES AVAILABLE FOR PUBLIC INSPECTION IN THE
26 INSTITUTION'S LIBRARY IN PRINT FORMAT AND ONLINE AT THE
27 INSTITUTION'S PUBLICLY ACCESSIBLE INTERNET WEBSITE. THE MINUTES
28 SHALL BE MAINTAINED IN PRINT AND ONLINE FOR NO FEWER THAN 20
29 YEARS.

30 (F) DATA SYSTEMS REPORT.--EACH STATE-RELATED UNIVERSITY

1 SHALL MAKE A COPY OF THE INSTITUTION'S INTEGRATED POSTSECONDARY
2 EDUCATION DATA SYSTEMS REPORT AVAILABLE FOR PUBLIC INSPECTION IN
3 THE INSTITUTION'S LIBRARY IN PRINT FORMAT AND ONLINE AT THE
4 INSTITUTION'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

5 SECTION 1504. [COPIES AND POSTING] REQUIREMENTS FOR INFORMATION
6 IN REPORTS.

7 [A STATE-RELATED INSTITUTION SHALL MAINTAIN, FOR AT LEAST
8 SEVEN YEARS, A COPY OF THE REPORT IN THE INSTITUTION'S LIBRARY
9 AND SHALL PROVIDE FREE ACCESS TO THE REPORT ON THE INSTITUTION'S
10 INTERNET WEBSITE.] A STATE-RELATED INSTITUTION SHALL MAKE THE
11 INFORMATION REQUIRED BY SECTION 1502 ACCESSIBLE TO THE PUBLIC IN
12 ACCORDANCE WITH THE FOLLOWING:

13 (1) THE INFORMATION SHALL BE POSTED ONLINE AT THE
14 INSTITUTION'S PUBLICLY ACCESSIBLE INTERNET WEBSITE IN A
15 SEARCHABLE, SORTABLE AND DOWNLOADABLE DATABASE FORMAT THAT IS
16 FREELY ACCESSIBLE BY THE PUBLIC. TO THE EXTENT POSSIBLE, A
17 STATE-RELATED INSTITUTION SHALL POST THE INFORMATION ONLINE
18 IN A SIMILAR MANNER IN ORDER TO FACILITATE EASY PUBLIC
19 REVIEW. THE INFORMATION OF PRIOR YEARS SHALL BE MAINTAINED
20 FOR NO FEWER THAN TEN YEARS.

21 (2) THE INFORMATION SHALL BE MAINTAINED IN PRINT FORMAT
22 IN THE INSTITUTION'S LIBRARY FOR NO FEWER THAN TEN YEARS.

23 (3) THE INFORMATION SHALL BE PROVIDED IN ELECTRONIC
24 FORMAT TO THE DEPARTMENT OF EDUCATION AND THE JOINT STATE
25 GOVERNMENT COMMISSION.

26 (4) THE INFORMATION SHALL BE PROVIDED IN PRINT FORMAT TO
27 THE GENERAL ASSEMBLY AND TO EACH OF THE STATE REGIONAL
28 LIBRARY RESOURCE CENTERS.

29 SECTION 12. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
30 SECTION 1505. CONTRACTS.

1 (A) POSTING ONLINE.--WHENEVER A STATE-RELATED INSTITUTION
2 SHALL ENTER INTO ANY CONTRACT INVOLVING ANY PROPERTY, REAL,
3 PERSONAL OR MIXED OF ANY KIND OR DESCRIPTION OR A CONTRACT FOR
4 PERSONAL SERVICES WHERE THE CONSIDERATION INVOLVED IN THE
5 CONTRACT IS \$5,000 OR MORE, THE STATE-RELATED INSTITUTION AND
6 THE TREASURY DEPARTMENT SHALL COMPLY WITH THE REQUIREMENTS OF
7 CHAPTER 17.

8 (B) CATEGORIES.--A CONTRACT POSTED IN ACCORDANCE WITH
9 SUBSECTION (A) SHALL DISCLOSE THE CATEGORY OF SERVICE,
10 INCLUDING:

- 11 (1) LEGAL.
- 12 (2) INSTRUCTIONAL.
- 13 (3) MANAGEMENT.
- 14 (4) ACCOUNTING.
- 15 (5) ARCHITECTURE.
- 16 (6) PUBLIC RELATIONS.
- 17 (7) MAINTENANCE.

18 Section ~~12~~ 13. This act shall take effect in 90 days.

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