

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 411 Session of 2015

INTRODUCED BY PILEGGI, BLAKE, BAKER, COSTA, FOLMER, FONTANA, GORDNER, MENSCH, RAFFERTY, SMUCKER, STEFANO, TEPLITZ, VANCE, WARD, WILLIAMS, YAW, VULAKOVICH, BOSCOLA, YUDICHAK AND LEACH, FEBRUARY 5, 2015

SENATOR FOLMER, STATE GOVERNMENT, AS AMENDED, JUNE 30, 2015

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 preliminary provisions, further providing for definitions; in
11 requirements and prohibitions, providing for Pennsylvania
12 Interscholastic Athletic Association; in access, providing
13 for inmate access; in procedure, further providing for
14 access, for requests, for written requests, for production of
15 certain records and for exceptions for public records; in
16 agency response, further providing for general rule and for
17 extension of time; in appeal of agency determination, further
18 providing for filing of appeal and for appeals officers; and, <--
19 in judicial review, further providing for Commonwealth
20 agencies, legislative agencies and judicial agencies, for fee
21 limitations and for Office of Open Records--; AND, IN STATE- <--
22 RELATED INSTITUTIONS, FURTHER PROVIDING FOR REPORTING, FOR
23 CONTENTS OF REPORT AND FOR COPIES AND POSTING, AND PROVIDING
24 FOR CONTRACTS.

25 The General Assembly of the Commonwealth of Pennsylvania
26 hereby enacts as follows:

27 Section 1. The definitions of "confidential proprietary
28 information," "independent agency," "local agency," "personal

1 financial information," "requester" and "State-affiliated
2 entity" in section 102 of the act of February 14, 2008 (P.L.6,
3 No.3), known as the Right-to-Know Law, are amended and the
4 section is amended by adding definitions to read:

5 Section 102. Definitions.

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

9 * * *

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

11 (1) for the purpose of selling or reselling any portion
12 of the record;

13 (2) to obtain names and addresses from the record for
14 the purpose of commercial solicitation; or

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

17 The term does not include the use of a public record by an
18 educational or noncommercial scientific institution for
19 scholarly or scientific research or the use of a public record
20 by the news media, A JOURNALIST OR AN AUTHOR for news gathering <--
21 or dissemination in a newspaper, periodical, BOOK, digital <--
22 publication or radio or television news broadcast.

23 * * *

24 "Confidential proprietary information." Commercial or
25 financial information received or created by an agency:

26 (1) which is privileged or confidential; and

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

30 * * *

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

5 * * *

6 "Local agency." Any of the following:

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

10 (2) Any local, intergovernmental, regional or municipal
11 agency, authority, council, board, commission or similar
12 governmental entity. This paragraph includes an economic
13 development authority and an industrial development
14 authority. The term does not include an office of an elected
15 tax collector.

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

18 * * *

19 "Personal financial information." An individual's personal
20 credit, charge or debit card information; bank account or other
21 financial institution account information; bank, credit or
22 financial statements; account or PIN numbers; forms required to
23 be filed by a taxpayer with a Federal or Commonwealth taxing
24 authority; employee benefit election information; and other
25 information relating to an individual's personal finances.

26 * * *

27 "Requester." A person that is a legal resident of [the
28 United States] this Commonwealth and requests a record pursuant
29 to this act. The term includes an agency.

30 * * *

1 "State-affiliated entity." A Commonwealth authority or
2 Commonwealth entity. The term includes the Pennsylvania Higher
3 Education Assistance Agency and any entity established thereby,
4 the Pennsylvania Gaming Control Board, the Pennsylvania Game
5 Commission, the Pennsylvania Fish and Boat Commission, the
6 Pennsylvania Housing Finance Agency, the Pennsylvania Municipal
7 Retirement Board, the State System of Higher Education, a
8 community college, the Pennsylvania Turnpike Commission, the
9 Pennsylvania Public Utility Commission, the Pennsylvania
10 Infrastructure Investment Authority, the State Public School
11 Building Authority[, the Pennsylvania Interscholastic Athletic
12 Association] and the Pennsylvania Higher Educational Facilities
13 Authority. The term does not include a State-related
14 institution.

15 * * *

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

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

21 (2) The time the PSAP contacted or dispatched the
22 appropriate agency for response.

23 (3) The time the appropriate agency responded.

24 (4) The time the appropriate agency arrived on the
25 scene.

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

27 (6) The address of the incident or THE STREET BLOCK <--
28 IDENTIFIER, the cross street or mile marker nearest the scene
29 of the incident.

30 * * *

1 Section 2. The act is amended by adding sections to read:
2 Section 307. Pennsylvania Interscholastic Athletic Association.
3 For purposes of this act, the Pennsylvania Interscholastic
4 Athletic Association is considered to be a local agency and
5 shall provide public records in accordance with this act.
6 Section 508. Inmate access.
7 (a) Status.--Except as provided in subsection (b), an inmate
8 may not be a requester for purposes of this act.
9 (b) Records.--An agency shall provide an inmate with copies
10 of the following records as they pertain directly to the inmate
11 if the disclosure of the record will not diminish the safety or
12 security of any person or correctional facility:
13 (1) Criminal records relating to the criminal commitment
14 of the inmate.
15 (2) Institutional housing information.
16 (3) The inmate's financial records.
17 (4) The inmate's work records.
18 (5) The inmate's educational records.
19 (6) The inmate's disciplinary records.
20 (7) Disciplinary, housing and other policies adopted by
21 the correctional institution or the Department of
22 Corrections.
23 (8) A record relating to any Federal or State benefit
24 received by the inmate or for which the inmate is eligible.
25 (9) The inmate's tax records.
26 (10) The inmate's voting records.
27 (11) Records relating to any license issued to the
28 inmate by a Commonwealth or local agency.
29 (c) Applicability.--This section shall not prohibit an
30 agency from voluntarily permitting an inmate to have access to

1 records not listed under subsection (b) or prevent an agency
2 from complying with a lawful subpoena or court order.

3 Section 3. Sections 701, 702, 703 and 707 of the act are
4 amended to read:

5 Section 701. Access.

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

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

19 Section 702. Requests.

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

25 Section 703. Written requests.

26 A written request for access to records may be submitted in
27 person, by mail, by e-mail, by facsimile or, to the extent
28 provided by agency rules, by any other electronic means. A
29 written request must be addressed to the open-records officer
30 designated pursuant to section 502 or to the administrative

1 office of the agency. [Employees of an] The administrative
2 office of the agency shall [be directed to] promptly forward
3 requests for records to the open-records officer of the agency
4 that received the request. A written request [should] shall
5 include the NAME AND physical mailing address of the requester, <--
6 shall identify or describe the records sought with sufficient
7 specificity to enable the agency to ascertain which records are
8 being requested and shall include the name and address to which
9 the agency should address its response. [A] Except as required
10 under section 707(d), a written request need not include any
11 explanation of the requester's reason for requesting or intended
12 use of the records unless otherwise required by law. ~~A written~~ <--
13 ~~request must include the name and address of the requester and~~
14 ~~the name of the agency to which the request is addressed.~~

15 Section 707. Production of certain records.

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

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

26 Notification shall be provided within five business days of
27 receipt of the request for the record. The third party shall
28 have five business days from receipt of notification from the
29 agency to provide input on the release of the record. The agency
30 shall deny the request for the record or release the record

1 within ten business days of the provision of notice to the third
2 party and shall notify the third party of the decision.

3 (c) Transcripts.--

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

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

13 (3) This subsection shall not be construed to require an
14 agency to transcribe a proceeding solely for purposes of
15 responding to a request under this act.

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

24 (e) Home address.--If a request includes a home address of
25 an employee of the agency, the agency must notify the subject of
26 the request at least 14 days prior to release of the record. If
27 the subject of the request notifies the agency that the
28 exception under section 708(b)(1)(ii) applies, the agency shall
29 determine if the home address shall be withheld.

30 Section 4. Section 708(b)(10)(i) and (ii), (13), (17) and

1 (18) and (c) of the act are amended and subsection (b) is
2 amended by adding paragraphs to read:

3 Section 708. Exceptions for public records.

4 * * *

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

8 * * *

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

22 * * *

23 (10) As follows:

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

25 (A) The internal, predecisional deliberations of
26 an agency, its members, employees or officials or
27 predecisional deliberations between agency members,
28 employees or officials and members, employees or
29 officials of another agency, including predecisional
30 deliberations relating to a budget recommendation,

1 legislative proposal, legislative amendment,
2 contemplated or proposed policy or course of action
3 or any research, memos or other documents used in the
4 predecisional deliberations.

5 (B) The strategy to be used to develop or
6 achieve the successful adoption of a budget,
7 legislative proposal or regulation.

8 (ii) Subparagraph (i) (A) shall apply to agencies
9 subject to 65 Pa.C.S. Ch. 7 (relating to open meetings)
10 in a manner consistent with 65 Pa.C.S. Ch. 7. A record
11 which is not otherwise exempt from access under this act
12 and which is presented to a quorum for deliberation in
13 accordance with 65 Pa.C.S. Ch. 7 shall be a public record
14 regardless of whether a vote occurs at the meeting.

15 * * *

16 (13) Records that would disclose the identity of, or
17 personal financial information relating to, an individual who
18 lawfully makes a donation to or for the benefit of an agency
19 unless the donation is intended for or restricted to
20 providing remuneration or personal tangible benefit to a
21 named public official or employee of the agency, including
22 lists of potential donors compiled by an agency to pursue
23 donations, donor profile information or personal identifying
24 information relating to a donor.

25 * * *

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

29 (i) Complaints submitted to an agency.

30 (ii) Investigative materials, notes, correspondence

1 and reports.

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

6 (iv) A record that includes information made
7 confidential by law.

8 (v) Work papers underlying an audit.

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

11 (A) Reveal the institution, progress or result
12 of an agency investigation, except the imposition of
13 a fine or civil penalty, the suspension, modification
14 or revocation of a license, permit, registration,
15 certification or similar authorization issued by an
16 agency or an executed settlement agreement unless the
17 agreement is determined to be confidential by a
18 court.

19 (B) Deprive a person of the right to an
20 impartial adjudication.

21 (C) Constitute an unwarranted invasion of
22 privacy.

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

25 (E) Endanger the life or physical safety of an
26 individual.

27 (18) Emergency dispatches as follows:

28 (i) Records or parts of records, except time
29 response logs, pertaining to audio recordings, telephone
30 or radio transmissions received by emergency dispatch

1 personnel, including 911 recordings.

2 (ii) This paragraph shall not apply to a 911
3 recording, or a transcript of a 911 recording, if the
4 agency or a court determines that the public interest in
5 disclosure outweighs the interest in nondisclosure.

6 (iii) The home address of the individual who
7 accesses emergency dispatch.

8 * * *

9 (31) An agency's financial institution account numbers,
10 routing numbers, credit card numbers and passwords.

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

12 (i) A volunteer ambulance service.

13 (ii) A volunteer fire company.

14 (iii) A volunteer rescue company.

15 (iv) A volunteer water rescue company.

16 (v) A volunteer organization that provides hazardous
17 materials response services.

18 (vi) A volunteer organization that provides
19 emergency medical services.

20 Section 506(d)(1) shall apply to a volunteer organization
21 under this paragraph that contracts with a local agency to
22 provide services to the local agency.

23 (c) Financial records.--The exceptions set forth in
24 subsection (b) shall not apply to financial records, except that
25 an agency may redact that portion of a financial record
26 protected under subsection (b)(1), (2), (3), (4), (5), (6),
27 (11), (13), (16) or (17). An agency shall not disclose the
28 identity of an individual performing an undercover or covert law
29 enforcement activity.

30 * * *

1 Section 5. Sections 901, 902 and 1101 of the act are amended
2 to read:

3 Section 901. General rule.

4 (a) Determination.--Upon receipt of a written request for
5 access to a record, an agency shall make a good faith effort to
6 determine if the record requested is a public record,
7 legislative record or financial record and whether the agency
8 has possession, custody or control of the identified record, and
9 to respond as promptly as possible under the circumstances
10 existing at the time of the request. All applicable fees shall
11 be paid in order to receive access to the record requested.

12 (b) Time for response.--The time for response shall not
13 exceed, in the case of a request made in person or submitted by
14 regular mail, e-mail, web form, facsimile or similar means, five
15 business days from the date the written request is received by
16 the open-records officer for an agency. If the agency fails to
17 send the response within five business days of receipt of the
18 written request for access, the written request for access shall
19 be deemed denied.

20 Section 902. Extension of time.

21 (a) Determination.--Upon receipt of a written request for
22 access, the open-records officer for an agency shall determine
23 if one of the following applies:

24 (1) the request for access requires redaction of a
25 record in accordance with section 706;

26 (2) the request for access requires the retrieval of a
27 record stored in a remote location;

28 (3) a timely response to the request for access cannot
29 be accomplished due to bona fide and specified staffing
30 limitations;

1 (4) a legal review is necessary to determine whether the
2 record is a record subject to access under this act;

3 (5) the requester has not complied with the agency's
4 policies regarding access to records;

5 (6) the requester refuses to pay applicable fees
6 authorized by this act; [or]

7 (7) the extent or nature of the request precludes a
8 response within the required time period[.]; or

9 (8) time is required to provide notice under section
10 707(e).

11 (b) Notice.--

12 (1) Upon a determination that one of the factors listed
13 in subsection (a) applies, the open-records officer shall
14 send written notice to the requester within five business
15 days of receipt of the request for access under subsection
16 (a).

17 (2) The notice shall include a statement notifying the
18 requester that the request for access is being reviewed, the
19 reason for the review, a reasonable date that a response is
20 expected to be provided and an estimate of applicable fees
21 owed when the record becomes available. If the date that a
22 response is expected to be provided is in excess of 30 days,
23 following the five business days allowed for in section 901,
24 the request for access shall be deemed denied unless the
25 requester has agreed in writing to an extension to the date
26 specified in the notice.

27 (3) If the requester agrees to the extension, the
28 request shall be deemed denied on the day following the date
29 specified in the notice if the agency has not provided a
30 response by that date.

1 Section 1101. Filing of appeal.

2 [(a) Authorization.--

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

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

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

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

17 (A) A copy of the original request.

18 (B) The agency denial.

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

20 (D) ANY OTHER INFORMATION THE REQUESTER BELIEVES <--
21 TO BE RELEVANT.

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

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

29 (b) Determination.--

30 (1) Unless the requester agrees otherwise, the appeals

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

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

12 (2) If the office or other appeals officer fails to
13 issue a final determination within 30 days or as otherwise
14 provided under paragraph (1), the appeal is deemed denied.

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

20 (c) Direct interest.--

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

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

- 1 (i) no hearing has been held;
2 (ii) the appeals officer has not yet issued its
3 order; and
4 (iii) the appeals officer believes the information
5 will be probative.

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

8 Section 6. Section 1102(a) of the act is amended and the
9 section is amended by adding a subsection to read:

10 Section 1102. Appeals officers.

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

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

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

26 (3) Consult with agency counsel as appropriate.

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

29 * * *

30 (c) Review.--The Office of Open Records may require an

1 agency to submit a record for the purpose of conducting an in-
2 camera review to determine if the record is a public record.

3 Section 7. Section 1301 heading and (a) of the act are
4 amended to read:

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

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

21 * * *

22 Section 8. Section 1307(h) of the act is amended and the
23 section is amended by adding a subsection to read:

24 Section 1307. Fee limitations.

25 * * *

26 (g.1) Additional fees.--

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

1 search, retrieval, review and redaction for documents for
2 commercial use.

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

8 (3) A fee may not be charged under paragraph (2) for the
9 first hour of search and retrieval time for all commercial
10 requests from a single requester in a 90-day period.

11 (h) Prepayment.--Prior to granting a request for access in
12 accordance with this act, an agency may require a requester to
13 prepay an estimate of the fees authorized under this section if
14 the fees required to fulfill the request are expected to exceed
15 [\$100] \$50.

16 Section 9. ~~Section 1310 of the act is~~ SECTIONS 1310, 1502, <--
17 1503 AND 1504 OF THE ACT ARE amended to read:

18 Section 1310. Office of Open Records.

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

23 (1) Provide information relating to the implementation
24 and enforcement of this act.

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

26 (3) Provide annual training courses to agencies, public
27 officials and public employees on this act and 65 Pa.C.S. Ch.
28 7 (relating to open meetings).

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

1 (5) Assign appeals officers to review appeals of
2 decisions by Commonwealth agencies or local agencies, except
3 as provided in section 503(d), filed under section 1101 and
4 issue orders and opinions. The office shall employ or
5 contract with attorneys to serve as appeals officers to
6 review appeals and, if necessary, to hold hearings on a
7 regional basis under this act. Each appeals officer must
8 comply with all of the following:

9 (i) Complete a training course provided by the
10 Office of Open Records prior to acting as an appeals
11 officer.

12 (ii) If a hearing is necessary, hold hearings
13 regionally as necessary to ensure access to the remedies
14 provided by this act.

15 (iii) Comply with the procedures under section
16 1102(b).

17 (6) Establish an informal mediation program to resolve
18 disputes under this act.

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

23 (8) Conduct a biannual review of fees charged under this
24 act.

25 (9) Annually report on its activities and findings to
26 the Governor and the General Assembly. The report shall be
27 posted and maintained on the Internet website established
28 under paragraph (7).

29 (b) Executive director.--Within 90 days of the effective
30 date of this section, the Governor shall appoint an executive

1 director of the office who shall serve for a term of six years.
2 Compensation shall be set by the Executive Board established
3 under section 204 of the act of April 9, 1929 (P.L.177, No.175),
4 known as The Administrative Code of 1929. The executive director
5 may serve no more than two terms.

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

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

18 (e) Duties.--

19 (1) The executive director shall ensure that the duties
20 of the Office of Open Records are carried out and shall
21 monitor cases appealed to the Office of Open Records.

22 (2) The Department of Community and Economic Development
23 shall provide payroll and administrative support to the
24 office.

25 (3) The executive director shall promulgate regulations
26 to administer this act. Initial rulemaking under this
27 paragraph shall be initiated no later than December 31, 2015.

28 (e.1) Public comment.--The office shall abstain from public
29 comment about a pending proceeding before the office. This
30 subsection shall not prohibit employees of the office from

1 making public statements in the course of official duties, from
2 issuing written advisory opinions, from making general comments
3 on this act that are not related to a specific pending case or
4 from explaining the procedures of the office.

5 (f) Appropriation.--The appropriation for the office shall
6 be in a separate line item and shall be under the jurisdiction
7 of the executive director.

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

11 ~~Section 10. This act shall take effect in 60 days.~~ <--

12 SECTION 1502. [REPORTING] FILING. <--

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

18 SECTION 1503. CONTENTS OF [REPORT] FILING.

19 (A) INFORMATION INCLUDED.--THE [REPORT] FILING REQUIRED
20 UNDER SECTION 1502 SHALL INCLUDE THE FOLLOWING:

21 (1) EXCEPT AS PROVIDED IN PARAGRAPH (4), ALL INFORMATION
22 REQUIRED BY FORM 990 OR AN EQUIVALENT FORM OF THE UNITED
23 STATES DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE,
24 ENTITLED THE RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX,
25 REGARDLESS OF WHETHER THE STATE-RELATED INSTITUTION IS
26 REQUIRED TO FILE THE FORM BY THE FEDERAL GOVERNMENT.

27 (2) THE SALARIES OF ALL OFFICERS AND DIRECTORS OF THE
28 STATE-RELATED INSTITUTION.

29 (3) THE HIGHEST 25 SALARIES PAID TO EMPLOYEES OF THE
30 INSTITUTION THAT ARE NOT INCLUDED UNDER PARAGRAPH (2).

1 (3.1) FOR A STATE-RELATED INSTITUTION WITH 2,500
2 EMPLOYEES OR MORE, THE NEXT HIGHEST 175 SALARIES PAID TO
3 EMPLOYEES OF THE INSTITUTION THAT ARE NOT INCLUDED UNDER
4 PARAGRAPH (2). THE SALARIES OF FACULTY MEMBERS MUST BE
5 PRESENTED IN SALARY RANGES COMPRISED OF BANDS OF NO MORE THAN
6 \$75,000 WITH INDIVIDUAL FACULTY MEMBER NAMES ITEMIZED
7 ALPHABETICALLY IN THE RESPECTIVE SALARY RANGE. THE
8 INSTITUTION DEPARTMENT TO WHICH A FACULTY MEMBER IS ASSIGNED
9 MUST BE PRESENTED WITH THE NAME OF THE FACULTY MEMBER.

10 (4) THE [REPORT] FILING SHALL NOT INCLUDE INFORMATION
11 RELATING TO INDIVIDUAL DONORS.

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

15 (6) THE ACTUAL REVENUE AND EXPENDITURES FOR THE PRIOR
16 YEAR.

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

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

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

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

28 (9) THE MOST RECENT AUDITED FINANCIAL STATEMENT FOR THE
29 STATE-RELATED INSTITUTION.

30 (10) THE FOLLOWING INFORMATION FOR THE PRIOR FISCAL YEAR

1 FOR EACH ACADEMIC OR ADMINISTRATIVE SUPPORT UNIT, FOR EACH
2 DEFINED PROJECT OR PROGRAM AND FOR AN AUXILIARY ENTERPRISE:

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

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

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

7 (IV) MEDIAN AND MEAN SALARIES OF ADMINISTRATORS,
8 STAFF, CLERICAL AND TECHNICAL SERVICE EMPLOYEES, BY
9 CLASSIFICATION.

10 (V) NONSALARY COMPENSATION AS A PERCENTAGE OF
11 SALARY. NONSALARY COMPENSATION SHALL INCLUDE:

12 (A) MEDICAL BENEFITS.

13 (B) LIFE INSURANCE BENEFITS.

14 (C) PENSION BENEFITS.

15 (D) LEAVE BENEFITS.

16 (E) EMPLOYER SOCIAL SECURITY PAYMENTS.

17 (F) WORKERS' COMPENSATION BENEFITS.

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

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

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

25 (B) PROVIDING INFORMATION.--EACH STATE-RELATED INSTITUTION
26 SHALL PROVIDE FULL, COMPLETE AND ACCURATE INFORMATION AS MAY BE
27 REQUIRED BY THE DEPARTMENT OF EDUCATION OR THE CHAIRMAN OR
28 MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE SENATE
29 OR THE CHAIRMAN OR MINORITY CHAIRMAN OF THE APPROPRIATIONS
30 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

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

4 (1) THE GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AS
5 PRESCRIBED BY THE NATIONAL ASSOCIATION OF COLLEGE AND
6 UNIVERSITY BUSINESS OFFICERS, THE AMERICAN INSTITUTE OF
7 CERTIFIED PUBLIC ACCOUNTANTS OR BY ANOTHER RECOGNIZED
8 AUTHORITATIVE BODY.

9 (2) THE "COMMONWEALTH OF PENNSYLVANIA BUDGET
10 INSTRUCTIONS FOR THE STATE SYSTEM OF HIGHER EDUCATION, STATE-
11 RELATED UNIVERSITIES AND NON-STATE-RELATED COLLEGES AND
12 UNIVERSITIES."

13 (3) THE FINANCIAL REPORTING POLICIES AND STANDARDS
14 PROMULGATED BY THE COMMONWEALTH OF PENNSYLVANIA AND BY THE
15 FEDERAL GOVERNMENT THAT APPLY TO THE STATE-RELATED
16 INSTITUTIONS.

17 (D) NONPREFERRED APPROPRIATIONS.--

18 (1) IN A YEAR A STATE-RELATED INSTITUTION RECEIVES A
19 NONPREFERRED APPROPRIATION, A REPORT SHALL BE SUBMITTED PRIOR
20 TO SEPTEMBER 1 AND MUST COVER THE 12-MONTH PERIOD BEGINNING
21 WITH THE SUMMER TERM OF THE PRECEDING YEAR. THE REPORT SHALL
22 INCLUDE:

23 (I) THE FOLLOWING COUNTS AND DISTRIBUTIONS FOR EACH
24 TERM DURING THE PERIOD:

25 (A) THE DEFINITION AND NUMBER OF:

26 (I) FACULTY MEMBERS EMPLOYED FULL TIME.

27 (II) FACULTY MEMBERS EMPLOYED PART TIME.

28 (III) FULL-TIME STUDENTS ENROLLED IN A
29 GRADUATE COURSE.

30 (IV) FULL-TIME STUDENTS ENROLLED IN AN

1 UNDERGRADUATE COURSE.

2 (V) PART-TIME STUDENTS ENROLLED IN A
3 GRADUATE COURSE.

4 (VI) PART-TIME STUDENTS ENROLLED IN AN
5 UNDERGRADUATE COURSE.

6 (B) THE TOTAL NUMBER OF:

7 (I) UNDERGRADUATE STUDENT CREDIT HOURS,
8 DIVIDED INTO LOWER DIVISION AND UPPER DIVISION
9 COURSE LEVELS.

10 (II) GRADUATE STUDENT CREDIT HOURS, DIVIDED
11 INTO THREE COURSE LEVELS: MASTER'S, FIRST
12 PROFESSIONAL AND DOCTORAL.

13 (C) THE NUMBER OF DIFFERENT COURSES SCHEDULED BY
14 LEVEL OF INSTRUCTION AND THE NUMBER OF SECTIONS OF
15 INDIVIDUAL INSTRUCTION SCHEDULED BY LEVEL OF
16 INSTRUCTION, EACH FURTHER SUBDIVIDED BY TWO-DIGIT
17 CLASSIFICATION OF INSTRUCTIONAL PROGRAM (CIP)
18 CATEGORIES OF INSTRUCTIONAL PROGRAMS OF HIGHER
19 EDUCATION AS DEFINED BY THE NATIONAL CENTER FOR
20 EDUCATION STATISTICS, UNITED STATES DEPARTMENT OF
21 EDUCATION.

22 (D) THE NUMBER OF TERMS SCHEDULED AND THE DATES
23 OF THE TERMS.

24 (II) FOR THE SUMMER TERM AND THE FOLLOWING ACADEMIC
25 YEAR IN TOTAL AND FOR EACH TWO-DIGIT CIP PROGRAM
26 CATEGORY:

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

29 (I) PROFESSOR.

30 (II) ASSOCIATE PROFESSOR.

1 (III) ASSISTANT PROFESSOR.

2 (IV) INSTRUCTOR.

3 (V) LECTURER.

4 (VI) RESEARCH ASSOCIATE.

5 (VII) LIBRARIAN AND ACADEMIC ADMINISTRATOR.

6 (B) FACULTY MEMBERS OR OTHER PROFESSIONAL
7 EMPLOYEES UNDER EACH TITLE TO BE SUBDIVIDED INTO
8 TEACHING AND NONTEACHING.

9 (C) EACH SET OF FACULTY MEMBERS OR OTHER
10 PROFESSIONAL EMPLOYEES TO BE FURTHER SUBDIVIDED BY
11 FULL-TIME OR PART-TIME EMPLOYMENT.

12 (D) THE FOLLOWING AGGREGATES FOR EACH
13 SUBDIVIDED CLASSIFICATION:

14 (I) THE NUMBER OF FACULTY AND OTHER
15 PROFESSIONAL EMPLOYEES AND THE FULL-TIME
16 EQUIVALENCE IN INSTRUCTIONAL AND NONINSTRUCTIONAL
17 FUNCTIONS.

18 (II) THE SUM OF CREDITS ASSIGNED TO
19 UNDERGRADUATE CLASSROOM COURSES AND THE SUM OF
20 CREDITS ASSIGNED TO GRADUATE CLASSROOM COURSES
21 TAUGHT DIVIDED INTO LOWER DIVISION, UPPER
22 DIVISION, MASTER'S, FIRST PROFESSIONAL AND
23 DOCTORAL COURSE LEVELS.

24 (III) THE SUM OF CREDITS ASSIGNED TO
25 UNDERGRADUATE INDIVIDUAL INSTRUCTION COURSES AND
26 THE SUM OF CREDITS ASSIGNED TO GRADUATE
27 INDIVIDUAL INSTRUCTION COURSES TAUGHT DIVIDED
28 INTO LOWER DIVISION, UPPER DIVISION, MASTER'S,
29 FIRST PROFESSIONAL AND DOCTORAL COURSE LEVELS.

30 (IV) THE SUM OF UNDERGRADUATE CLASSROOM

1 STUDENT CREDIT HOURS AND THE SUM OF GRADUATE
2 CLASSROOM STUDENT CREDIT HOURS GENERATED, DIVIDED
3 INTO LOWER DIVISION, UPPER DIVISION, MASTER'S,
4 FIRST PROFESSIONAL AND DOCTORAL COURSE LEVELS.

5 (V) THE SUM OF UNDERGRADUATE INDIVIDUAL
6 INSTRUCTION STUDENT CREDIT HOURS AND THE SUM OF
7 GRADUATE INDIVIDUAL INSTRUCTION STUDENT CREDIT
8 HOURS GENERATED, DIVIDED INTO LOWER DIVISION,
9 UPPER DIVISION, MASTER'S, FIRST PROFESSIONAL AND
10 DOCTORAL COURSE LEVELS.

11 (VI) THE TOTAL SALARY PAID FOR INSTRUCTIONAL
12 FUNCTIONS AND FOR NONINSTRUCTIONAL FUNCTIONS AND
13 THE AMOUNT OF SALARY PAID FOR EACH OF THESE
14 FUNCTIONS FROM STATE-RELATED INSTITUTION FUNDS,
15 FEDERAL FUNDS AND OTHER FUNDS.

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

20 (A) IN STATE-RELATED INSTITUTION-RELATED
21 ACTIVITIES, STATING SPECIFICALLY HOURS SPENT IN
22 UNDERGRADUATE CLASSROOM CONTACT AND GRADUATE
23 CLASSROOM CONTACT HOURS SPENT IN PREPARATION.

24 (B) IN RESEARCH.

25 (C) IN PUBLIC SERVICE.

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

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

30 (II) NUMBER OF BACHELOR'S DEGREES, MASTER'S DEGREES,

1 FIRST PROFESSIONAL DEGREES AND DOCTORAL DEGREES AWARDED
2 FOR THE PREVIOUS FIVE YEARS AND THOSE ESTIMATES FOR THAT
3 YEAR.

4 (E) MINUTES.--EACH STATE-RELATED INSTITUTION SHALL MAKE A
5 COPY OF THE MINUTES OF EACH PUBLIC MEETING OF THE INSTITUTION'S
6 BOARD OF TRUSTEES AVAILABLE FOR PUBLIC INSPECTION IN THE
7 INSTITUTION'S LIBRARY IN PRINT FORMAT AND ONLINE ON THE
8 INSTITUTION'S PUBLICLY ACCESSIBLE INTERNET WEBSITE. THE MINUTES
9 SHALL BE MAINTAINED IN PRINT AND ONLINE FOR NO FEWER THAN 20
10 YEARS.

11 (F) DATA SYSTEMS REPORT.--EACH STATE-RELATED UNIVERSITY
12 SHALL MAKE A COPY OF THE INSTITUTION'S INTEGRATED POSTSECONDARY
13 EDUCATION DATA SYSTEMS REPORT AVAILABLE FOR PUBLIC INSPECTION IN
14 THE INSTITUTION'S LIBRARY IN PRINT FORMAT AND ONLINE ON THE
15 INSTITUTION'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

16 SECTION 1504. [COPIES AND POSTING] REQUIREMENTS FOR INFORMATION
17 IN FILINGS.

18 [A STATE-RELATED INSTITUTION SHALL MAINTAIN, FOR AT LEAST
19 SEVEN YEARS, A COPY OF THE REPORT IN THE INSTITUTION'S LIBRARY
20 AND SHALL PROVIDE FREE ACCESS TO THE REPORT ON THE INSTITUTION'S
21 INTERNET WEBSITE.] A STATE-RELATED INSTITUTION SHALL MAKE THE
22 INFORMATION REQUIRED BY SECTION 1502 ACCESSIBLE TO THE PUBLIC IN
23 ACCORDANCE WITH THE FOLLOWING:

24 (1) THE INFORMATION SHALL BE POSTED ONLINE ON THE
25 INSTITUTION'S PUBLICLY ACCESSIBLE INTERNET WEBSITE IN A
26 SEARCHABLE, SORTABLE AND DOWNLOADABLE DATABASE FORMAT THAT IS
27 FREELY ACCESSIBLE BY THE PUBLIC. TO THE EXTENT POSSIBLE, A
28 STATE-RELATED INSTITUTION SHALL POST THE INFORMATION ONLINE
29 IN A SIMILAR MANNER IN ORDER TO FACILITATE EASY PUBLIC
30 REVIEW. THE INFORMATION OF PRIOR YEARS SHALL BE MAINTAINED

1 FOR NO FEWER THAN TEN YEARS.

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

4 (3) THE INFORMATION SHALL BE PROVIDED IN ELECTRONIC
5 FORMAT TO THE DEPARTMENT OF EDUCATION AND THE JOINT STATE
6 GOVERNMENT COMMISSION.

7 (4) THE INFORMATION SHALL BE PROVIDED IN PRINT FORMAT TO
8 THE GENERAL ASSEMBLY AND TO EACH OF THE STATE REGIONAL
9 LIBRARY RESOURCE CENTERS.

10 SECTION 10. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
11 SECTION 1505. CONTRACTS.

12 (A) SCOPE.--BY MAY 30 OF EACH YEAR, A STATE-RELATED
13 INSTITUTION SHALL FILE WITH THE GOVERNOR'S OFFICE, THE SECRETARY
14 OF THE SENATE, THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES
15 AND THE STATE LIBRARY AN ANNUAL LIST OF CONTRACTS IN EXCESS OF
16 \$5,000 FOR THE PURCHASE OF ALL GOODS AND THIRD-PARTY SERVICES.

17 (B) CONTENTS.--THE LIST SHALL INCLUDE ALL OF THE FOLLOWING:

18 (1) DATE OF EXECUTION.

19 (2) AMOUNT OF THE CONTRACT.

20 (3) BEGINNING DATE OF THE CONTRACT.

21 (4) END DATE OF THE CONTRACT, IF APPLICABLE.

22 (5) THE NAME AND ADDRESS OF THE VENDOR.

23 (6) SUBJECT MATTER OF THE CONTRACT.

24 (C) PRIVILEGE.--THIS SECTION SHALL NOT APPLY TO A CONTRACT
25 FOR SERVICES PROTECTED BY A PRIVILEGE.

26 (D) EVIDENCE.--THIS SECTION:

27 (1) SHALL APPLY TO A PURCHASE ORDER EVIDENCING NEW
28 OBLIGATIONS; BUT

29 (2) SHALL NOT APPLY TO A PURCHASE ORDER EVIDENCING
30 FULFILLMENT OF AN EXISTING CONTRACT.

1 (E) POSTING.--INFORMATION UNDER THIS SECTION SHALL BE POSTED
2 AND MAINTAINED ON THE INSTITUTION'S INTERNET WEBSITE.

3 SECTION 11. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

4 (1) THE AMENDMENT OR ADDITION OF SECTIONS 1501, 1503 AND
5 1505 OF THE ACT SHALL TAKE EFFECT JULY 1, 2015, OR
6 IMMEDIATELY, WHICHEVER IS LATER.

7 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

8 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT DECEMBER
9 31, 2015.