
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 885 Session of
2023

INTRODUCED BY GROVE, GREINER, ZIMMERMAN, KEEFER, JAMES AND MOUL,
APRIL 10, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 10, 2023

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 State contract information, further providing for submission
11 and retention of contracts.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 1701(a) introductory paragraph and (2) of
15 the act of February 14, 2008 (P.L.6, No.3), known as the Right-
16 to-Know Law, are amended and the subsection is amended by adding
17 paragraphs to read:

18 Section 1701. Submission and retention of contracts.

19 (a) General rule.--Whenever any Commonwealth agency,
20 legislative agency or judicial agency shall enter into any
21 contract involving any property, real, personal or mixed of any
22 kind or description or any contract for personal services where

1 the consideration involved in the contract is [~~\$5,000~~] \$10,000
2 or more, a copy of the contract shall be filed with the Treasury
3 Department within ten days after the contract is fully executed
4 on behalf of the Commonwealth agency, legislative agency or
5 judicial agency or otherwise becomes an obligation of the
6 Commonwealth agency, legislative agency or judicial agency. The
7 provisions of this chapter shall not apply to contracts for
8 services protected by a privilege. The provisions of this
9 chapter shall not apply to a purchase order evidencing
10 fulfillment of an existing contract but shall apply to a
11 purchase order evidencing new obligations. The following shall
12 apply:

13 * * *

14 (2) The Treasury Department [~~may~~] shall require each
15 Commonwealth agency, legislative agency or judicial agency to
16 provide a summary with each contract, which shall include the
17 following:

- 18 (i) Date of execution.
- 19 (ii) Amount of the contract.
- 20 (iii) Beginning date of the contract.
- 21 (iv) End date of the contract, if applicable.
- 22 (v) Name of the agency entering into the contract.
- 23 (vi) The name of all parties executing the contract.
- 24 (vii) Subject matter of the contract.

25 Each agency shall create and maintain the data under this
26 paragraph in an ASCII-delimited text file, spreadsheet file
27 or other file provided by Treasury Department regulation.

28 (3) No later than every six months, the Treasury
29 Department shall provide notice to each Commonwealth agency,
30 legislative agency or judicial agency of each agency's

1 obligations under this chapter. The Treasury Department shall
2 provide the notice on or before January 15 and July 15 of
3 each year.

4 (4) Within ten days immediately after receipt of the
5 notice from the Treasury Department under paragraph (3), each
6 Commonwealth agency, legislative agency or judicial agency
7 shall attest, on a form provided by the Treasury Department,
8 that all copies of contracts required to be submitted and
9 filed with the Treasury Department under this subsection have
10 been submitted and filed as of the date of the attestation.
11 The following shall apply to the attestation under this
12 paragraph:

13 (i) The Treasury Department shall make the
14 attestation of each Commonwealth agency, legislative
15 agency or judicial agency available for public inspection
16 on the Treasury Department's publicly accessible Internet
17 website in accordance with section 1702.

18 (ii) The Treasury Department shall post a list of
19 each Commonwealth agency, legislative agency or judicial
20 agency which has failed to submit a completed attestation
21 form within 30 days of receipt of the notice under
22 paragraph (3).

23 (5) If the Treasury Department determines that a
24 Commonwealth agency, legislative agency or judicial agency
25 has not submitted an attestation form under paragraph (4),
26 the Treasury Department shall have the following duties:

27 (i) Contact the agency to inform the agency that
28 failure to comply with paragraph (4) may result in a
29 delay or rejection of payment requests from the Treasury
30 Department associated with the contract.

1 (ii) Provide a reasonable opportunity for the agency
2 to submit and file a current attestation form with the
3 Treasury Department.

4 (6) If the Treasury Department determines that a
5 Commonwealth agency, legislative agency or judicial agency
6 has not filed a copy of a contract with the Treasury
7 Department under this subsection, the Treasury Department may
8 delay or withhold approval of a payment request associated
9 with the contract from that agency until the contract is
10 filed with the Treasury Department.

11 * * *

12 Section 2. This act shall take effect in 60 days.