SPONSOR: Rep. K. Williams & Sen. Paradee
Reps. Morrison, Osienski, Yearick, Shupe, Bush; Sens. Townsend, Lockman

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 38
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO REQUIRING INSTITUTIONS OF HIGHER EDUCATION TO KEEP AND PROVIDE RECORDS AS PART OF THE GOVERNMENTAL COMPENSATION POLICY SUBCHAPTER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter III, Chapter 58, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5824. Institution of higher education compliance with this subchapter.

(a) As used in this section, "institution of higher education" means any public or private educational institution located in this State which provides a program of education beyond the high school level and awards an associate's, bachelor's, or advanced degree and that receives moneys from this State, including by an appropriation in the annual appropriations act.

(b) An institution of higher education shall keep the records required to be kept under § 5822 of this title.

(c) Subsection (b) of this section applies to an institution of higher education regarding an employee of the institution of higher education paid in whole or in part with State funds.

(d) On request of the State Auditor, an institution of higher education shall provide the records required under subsection (c) of this section to the State Auditor.

(e)(1) If the State Auditor finds by case decision under subchapter III of Chapter 101 of Title 29 that an institution of higher education is knowingly in violation of subsection (b), (c), or (d) of this section, the State Auditor may impose an administrative penalty as follows:

a. For a first violation, $10,000 for the violation.

b. For a second or subsequent violation within 5 years of the first violation, $50,000 for the violation.

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(2) If the State Auditor imposes an administrative penalty under paragraph (e)(1) of this section, the State Auditor shall report the violation and amount of administrative penalty imposed to the Public Integrity Commission, Department of Justice, and the Office of the Controller General.

(f) An institution of higher education shall retain the records required to be kept under this section for 5 years.

Section 2. This Act takes effect 1 year after the Act's enactment into law.

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