

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2862 Session of
2004

INTRODUCED BY RUBLEY, NICKOL, ARMSTRONG, BARD, BASTIAN,
BELFANTI, CLYMER, CRAHALLA, FAIRCHILD, FICHTER, FLEAGLE,
FRANKEL, GEORGE, GINGRICH, GOOD, GOODMAN, HARRIS, HENNESSEY,
HORSEY, LAUGHLIN, LEVDANSKY, S. MILLER, NAILOR, PHILLIPS,
SCAVELLO, SCHRODER, B. SMITH, STEIL, STERN, E. Z. TAYLOR,
TIGUE, VANCE, WATSON AND YUDICHAK, OCTOBER 4, 2004

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, OCTOBER 4, 2004

AN ACT

1 Amending the act of June 21, 1957 (P.L.390, No.212), entitled
2 "An act requiring certain records of the Commonwealth and its
3 political subdivisions and of certain authorities and other
4 agencies performing essential governmental functions, to be
5 open for examination and inspection by citizens of the
6 Commonwealth of Pennsylvania; authorizing such citizens under
7 certain conditions to make extracts, copies, photographs or
8 photostats of such records; and providing for appeals to the
9 courts of common pleas," further providing for definitions.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The definition of "public record" in section 1 of
13 the act of June 21, 1957 (P.L.390, No.212), referred to as the
14 Right-to-Know Law, amended June 29, 2002 (P.L.663, No.100), is
15 amended and the section is amended by adding a definition to
16 read:

17 Section 1. Definitions.

18 The following words and phrases when used in this act shall
19 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 * * *

3 "Public record." Any account, voucher or contract dealing
4 with the receipt or disbursement of funds by an agency or its
5 acquisition, use or disposal of services or of supplies,
6 materials, equipment or other property and any minute, order or
7 decision by an agency fixing the personal or property rights,
8 privileges, immunities, duties or obligations of any person or
9 group of persons: Provided, That the term "public records" shall
10 not mean any report, communication or other paper, the
11 publication of which would disclose the institution, progress or
12 result of an investigation undertaken by an agency in the
13 performance of its official duties, except those reports filed
14 by agencies pertaining to safety and health in industrial
15 plants; it shall not include any record, document, material,
16 exhibit, pleading, report, memorandum or other paper, access to
17 or the publication of which is prohibited, restricted or
18 forbidden by statute law or order or decree of court, or which
19 would operate to the prejudice or impairment of a person's
20 reputation or personal security, or which would result in the
21 loss by the Commonwealth or any of its political subdivisions or
22 commissions or State or municipal authorities of Federal funds,
23 excepting therefrom however the record of any conviction for any
24 criminal act[.]; nor shall it include records, the disclosure of
25 which would compromise the protection of any public utility,
26 municipality or municipal authority against sabotage, criminal
27 or terrorist acts and the nondisclosure of which is necessary
28 for the protection of life, safety or public property,
29 including, but not limited to, the following:

30 (1) Vulnerability assessments that are submitted to the

Environmental Protection Agency or any other Federal, State or local agency, and emergency response plans that are submitted to the Department of Environmental Protection, the Pennsylvania Public Utility Commission or any other Federal, State or local agency.

(2) The location of community drinking water wells and surface water intakes.

(3) Any security plans, security procedures or risk assessments prepared specifically for the purpose of preventing or for protection against sabotage, criminal or terrorist acts, which plans, procedures or assessments depend for their effectiveness in whole or in part upon a lack of general public knowledge of their details.

(4) Any document or portion thereof, including financial statements, relating to the existence, nature, location or function of security devices designed to protect against sabotage or criminal or terrorist acts, which devices depend for their effectiveness in whole or in part upon a lack of general public knowledge.

(5) Any blueprint, map, schematic drawing, photograph or other material relating to the location or structural design of critical systems such as communications, electrical systems, ventilation, distribution, treatment or storage which if made public could compromise security against sabotage, criminal or terrorist acts.

For the purposes of this definition, "terrorist acts" means conduct that is designed to cause serious bodily injury or substantial risk of bodily injury to persons, substantial damage to multiple structures whether occupied or unoccupied or substantial physical damage sufficient to disrupt the normal

1 functioning of a critical infrastructure.

2 * * *

3 "Security." An integrated system of activities, systems,
4 programs, equipment, personnel and policies designed in whole or
5 in part for the protection of classified information or matter,
6 sensitive information, critical infrastructure and personnel.

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