

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 552

PRINTER NO. 579

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

April 13, 2021

PRIME SPONSOR

Senator Dush

DESCRIPTION

Senate Bill 552 amends the Right-to-Know Law to add a new section regarding vexatious requesters.

This legislation allows agencies to petition the Office of Open Records (office) for relief from a vexatious requestor. The petition filed with the office must be provided to the requester as well and include the number of requests filed and pending, the scope and content or nature of the request, other communication with the agency, and the conduct the agency deems to be unreasonably burdensome or harassing to the agency.

The bill establishes a timeline for determining if the petition is warranted and to provide a decision. The executive director may also accept testimony, evidence and documents and may at any time recommend mediation. If it is determined to be vexatious conduct, the executive director may provide relief from complying with future requests for not more than one year and shall post the final opinion on the office’s website. Requesters would have 15 days from the issuing of the final opinion to appeal to the Commonwealth Court.

FISCAL IMPACT:

Senate Bill 552 will have no fiscal impact on Commonwealth funds. The office believes that current staffing levels will be able to accommodate three vexatious requester appeals per month. Appeals in excess of this amount could necessitate the office to request additional staff to handle the new workload.