

22ND DISTRICT
JOHN P. BLAKE

SENATE BOX 203022
THE STATE CAPITOL
HARRISBURG, PA 17120-3022
TELEPHONE: (717) 787-6481
FAX: (717) 783-5198

MAIN DISTRICT OFFICE
OPPENHEIM BUILDING
409 LACKAWANNA AVE., SUITE 210
SCRANTON, PA 18503
TELEPHONE: (570) 207-2881
FAX: (570) 207-2897

ARCHBALD OFFICE
400 CHURCH STREET, SUITE 3201
ARCHBALD, PA 18403
TELEPHONE: (570) 876-5322
FAX: (570) 876-5332

senatorblake@pasenate.com
www.senatorblake.com



Senate of Pennsylvania

COMMITTEES

INTERGOVERNMENTAL OPERATIONS,
DEMOCRATIC CHAIRMAN
LOCAL GOVERNMENT,
DEMOCRATIC CHAIRMAN
APPROPRIATIONS
COMMUNITY, ECONOMIC AND
RECREATIONAL DEVELOPMENT
LABOR AND INDUSTRY
URBAN AFFAIRS AND HOUSING
POLICY

CAPITOL PRESERVATION COMMITTEE
LOCAL GOVERNMENT COMMISSION

TO: All Senators

FROM: Senator John P. Blake

A handwritten signature in black ink that reads "J.P. Blake".

DATE: November 28, 2011

SUBJECT: Co-sponsorship: Expanding the provisions and applicability of the PA Right-to-Know Law to PA State Related Universities

In the near future I will be introducing legislation to amend the Right-to-Know Law (Act 3 of 2008) to bring greater transparency to the records of our State-Related Universities (Penn State, Pittsburgh, Temple and Lincoln). This legislation would change the current exemption that State-Related Universities have under our Open Records statute and apply to these state-relateds similar Right-to-Know provisions currently applicable to our 14 state-owned Pennsylvania State System of Higher Education (PASSHE) institutions, all of which receive state appropriations.

My legislation will not affect existing, statutory exclusions related to privacy or similar legal protections required under law nor would it apply to current, ongoing criminal investigations at these institutions.

At the time of the passage of the Right-to-Know Law, I had the privilege of serving as the Executive Deputy Secretary of the PA Department of Community and Economic Development where the Office of Open Records was housed. I had interaction with the director and staff of the Open Records office as this important, ground-breaking statute was implemented in Pennsylvania. While at DCED and since my arrival in the Senate I had considered possible improvements to the law as new learning was obtained in its implementation. Among those improvements were changes in the manner in which our Right-to-Know Law treated our state-related institutions of higher learning. It is important to note that Pennsylvania is one of only three states in the nation that explicitly exempts such universities from open records provisions – Alaska and Delaware the other two. For most of the nation, state-funded universities' records are presumed open or have been judicially confirmed as open.

As you know, prior to the 2008 Right-to-Know Law the burden of determining that which is a public record rested with the general public. Upon Governor Rendell's signing of this law the burden was successfully shifted to government offices/agencies and to other publicly funded institutions to determine or to explain why a certain record is not public information. This was a very positive legislative achievement in Pennsylvania and I commend caucus leaders and members of the General Assembly who supported this necessary change. It evidences a commitment to improved transparency and accountability at all levels of government.

Our institutions of higher learning are powerful engines for the state's economy. They are world class institutions and we need to ensure they remain so. My measure to expand the extent to which the state-related institutions are subject to the Right-to-Know Law will not undermine key and important elements of their operations or mission and they are not intended to undermine their competitive position or economic impact. There is, however, plenty of room for improvement in the level of transparency and accountability we can expect from these institutions. Leadership of both the Republican and Democratic caucuses in the Senate have agreed to work together on this legislative initiative. The Governor has also publicly stated that it is appropriate to revisit this statute.

While the alleged tragedy at Penn State University is one that could not have been prevented by what will be suggested in this update of our Right-to-Know Law, changes in the manner in which our state-related universities are covered under the law may have brought the tragic, sad, unfortunate and utterly distasteful facts of this case to light much sooner. That is an improvement in law that we all should pursue with vigor in a bi-partisan, thoughtful and deliberate manner.

If you would like to co-sponsor this legislation, please contact my office at 717-787-6481. If you have any questions, please contact Kyle Mullins at kmullins@pasenate.com.