

A RESOLUTION

1 Directing the Legislative Budget and Finance Committee to
2 conduct a comprehensive review of the fiscal impact on
3 Commonwealth agencies and local governmental agencies for
4 implementation of the Right-to-Know Law and to make
5 recommendations.

6 WHEREAS, The General Assembly enacted the act of February 14,
7 2008 (P.L.6, No.3), known as the Right-to-Know Law; and

8 WHEREAS, The Right-to-Know Law dramatically expanded
9 citizen's access to public records, financial records, judicial
10 records and legislative records across this Commonwealth; and

11 WHEREAS, The Right-to-Know Law requires State and local
12 agencies, the Senate, the House of Representatives and the
13 Judiciary to appoint:

14 (1) Open-records officers who shall be responsible to
15 thoroughly review and completely respond to Right-to-Know Law
16 requests in a timely manner.

17 (2) Appeals officers who must conduct administrative
18 appeals to review decisions made by the open records officer;
19 and

1 WHEREAS, The Right-to-Know Law is credited by many for making
2 the operation of State and local government more transparent;
3 and

4 WHEREAS, It is believed that this new transparency in
5 government has had a dramatic fiscal impact on agencies,
6 particularly local government agencies, that must dedicate
7 scarce resources to the following tasks:

8 (1) Reviewing Right-to-Know Law requests and collecting
9 records responsive to the requests.

10 (2) Redacting sensitive or privileged information from
11 the records.

12 (3) Reproducing the records.

13 (4) Responding to Right-to-Know Law requests;

14 and

15 WHEREAS, The Right-to-Know Law prohibits an agency from
16 adopting a policy or regulation to place a limitation on the
17 number of records which may be requested or requiring a
18 requester to disclose the purpose or motive in requesting access
19 to records; and

20 WHEREAS, In their dissenting opinion, three judges of the
21 Commonwealth Court expressed their concern in *Pennsylvania*
22 *Gaming Control Board v. Office of Open Records* (48 A.3d 503)
23 Pa.Cmwlt. (2012) that the court had expanded the law so that
24 "an unaddressed request written on the back of a brown paper bag
25 and given to a PennDOT plow driver by the side of the road on a
26 snowy winter night" now must be considered a valid Right-to-Know
27 request; and

28 WHEREAS, Numerous other appellate court decisions reviewing
29 the Right-to-Know Law have expanded the administrative and legal
30 burdens placed on State and local agencies; and

1 WHEREAS, The Right-to-Know Law limits the ability of State
2 and local agencies to recover from the fiscal impact of the
3 various tasks associated with the Right-to-Know Law requests;
4 therefore be it

5 RESOLVED, That the Legislative Budget and Finance Committee
6 conduct a comprehensive survey relating to the implementation of
7 the Right-to-Know Law and prepare a report of its findings which
8 shall include all of the following:

9 (1) Annual costs associated with administration of the
10 Right-to-Know Law for Commonwealth agencies, Judicial
11 agencies and Legislative agencies.

12 (2) Annual costs associated with the administration of
13 the Right-to-Know Law for local agencies of various sizes and
14 classification.

15 (3) Make recommendations to the General Assembly on
16 amendments to the Right-to-Know Law which would decrease the
17 administrative burdens of the law on State and local
18 agencies.

19 (4) Make recommendations to the General Assembly on
20 amendments to the Right-to-Know Law which may be necessary to
21 offset the costs associated with administration of the Right-
22 to-Know Law for State and local agencies;

23 and be it further

24 RESOLVED, That the Legislative Budget and Finance Committee
25 make a report of its findings to the House of Representatives
26 within one year of adoption of this resolution.