
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 508

Session of
1973

INTRODUCED BY HOWARD, COPPERSMITH, HAGER AND DOUGHERTY,
MARCH 19, 1973

REFERRED TO STATE GOVERNMENT, MARCH 19, 1973

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 defining public record,
10 further providing for availability of public records and
11 providing penalties.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Clause (2) of section 1, act of June 21, 1957
15 (P.L.390, No.212), entitled "An act requiring certain records of
16 the Commonwealth and its political subdivisions and of certain
17 authorities and other agencies performing essential governmental
18 functions, to be open for examination and inspection by citizens
19 of the Commonwealth of Pennsylvania; authorizing such citizens
20 under certain conditions to make extracts, copies, photographs
21 or photostats of such records; and providing for appeals to the
22 courts of common pleas," amended June 17, 1971 (P.L.160, No.9),

1 is amended to read:

2 Section 1. In this act the following terms shall have the
3 following meanings:

4 * * *

5 (2) "Public Record." Any account, voucher or contract
6 dealing with the receipt or disbursement of funds by an agency
7 or its acquisition, use or disposal of services or of supplies,
8 materials, equipment or other property and any minute, order or
9 decision by an agency fixing the personal or property rights,
10 privileges, immunities, duties or obligations of any person or
11 group of persons: Provided, That the term "public records" shall
12 not mean any report, communication or other paper, the
13 publication of which would disclose the institution, progress or
14 result of an investigation undertaken by an agency in the
15 performance of its official duties, except those reports filed
16 by agencies pertaining to safety and health in industrial
17 plants; it shall not include any record, document, material,
18 exhibit, pleading, report, memorandum or other paper, access to
19 or the publication of which is prohibited, restricted or
20 forbidden by statute law or order or decree of court, or which
21 would operate to the prejudice or impairment of a person's
22 reputation or personal security, or which would result in the
23 loss by the Commonwealth or any of its political subdivisions or
24 commissions or State or municipal authorities of Federal funds,
25 excepting therefrom however the record of any conviction for any
26 criminal act. The term "public record" shall include, but shall
27 not be limited to a record of each and every State employe by
28 name, address, and job description and salary, which list shall
29 be on file and available for inspection in the Governor's Office
30 during all business hours; and every audit conducted by a

1 private firm of a State agency, commission, department, or
2 official, at the request of a State official and each and every
3 audit conducted by the Auditor General, all of which are to be
4 kept on file in the Auditor General's office.

5 Section 2. Sections 2, 3 and 4 of the act are amended to
6 read:

7 Section 2. Every public record of an agency shall, at
8 reasonable times, be open for examination and inspection by any
9 citizen of the Commonwealth of Pennsylvania. "Reasonable times"
10 means the hours between 9:00 o'clock A.M. and 4:00 o'clock P.M.
11 of every business day.

12 Section 3. Any citizen of the Commonwealth of Pennsylvania
13 shall have the right to take extracts or make copies of public
14 records and to make photographs or photostats of the same while
15 such records are in the possession, custody and control of the
16 lawful custodian thereof or his authorized deputy. The lawful
17 custodian of such records shall have the right to adopt and
18 enforce reasonable rules governing the making of such extracts,
19 copies, photographs or photostats but shall not, without cause,
20 delay the acquisition of the extracts or copies for more than
21 four business hours.

22 Section 4. Any citizen of the Commonwealth of Pennsylvania
23 denied any right granted to him by section 2 or section 3 of
24 this act, may appeal from such denial to the [Court of Common
25 Pleas of Dauphin County] Commonwealth Court if an agency of the
26 Commonwealth is involved, or to the court of common pleas of the
27 appropriate judicial district if a political subdivision or any
28 agency thereof is involved. If such court determines that such
29 denial was not for just and proper cause under the terms of this
30 act, it may enter such order for disclosure as it may deem

1 proper.

2 In case of noncompliance with section 6 by the State
3 Treasurer, the Commonwealth Court may enjoin the State Treasurer
4 from paying out any contingency fund appropriations for the
5 duration of the noncompliance.

6 Section 3. The act is amended by adding two sections to
7 read:

8 Section 5. Any public official or State employee who violates
9 the provisions of this act is guilty of a misdemeanor and upon
10 conviction thereof shall be sentenced to pay a fine of not more
11 than two thousand five hundred dollars (\$2,500) or to
12 imprisonment not exceeding six months, or both.

13 Section 6. A complete list of all legislative contingency
14 fund disbursements specially detailing by receipt each
15 expenditure and payroll expense shall be kept on file of the
16 Office of the State Treasurer. The list shall be updated on the
17 first day of each month. The State Treasurer shall keep all
18 contingency fund appropriations in a bank account, and shall not
19 release more than ten per cent of each individual appropriation
20 at any time unaccounted for by receipts which are open to public
21 inspection. The receipts shall be detailed as to each individual
22 expenditure within each contingency fund appropriation.