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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE RESOLUTION

No. 50 Session of  
2017

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INTRODUCED BY HARPER, FREEMAN, FARRY, MURT, JAMES, READSHAW,  
BAKER, D. COSTA, WATSON, SCHLOSSBERG, NEILSON, MILLARD,  
GILLEN, B. MILLER AND PICKETT, JANUARY 31, 2017

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 31, 2017

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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 citizens' 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 are responsible for  
15 thoroughly reviewing and completely responding to Right-to-  
16 Know Law 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, Agencies are prohibited from assessing  
21 administrative costs for an agency's review of records  
22 requested, the search for or retrieval of documents or the staff  
23 time or salaries for employees whose duty assignments are  
24 limited due to compliance with the Right-to-Know Law; and

25       WHEREAS, The Right-to-Know Law requires agencies to respond  
26 to requests within five days of the date that the request is  
27 made and authorizes extensions for responses of 30 days for  
28 limited circumstances; and

29       WHEREAS, In their dissenting opinion, three judges of the  
30 Commonwealth Court expressed their concern in *Pennsylvania*

1 *Gaming Control Board v. Office of Open Records*, 48 A.3d 503,  
2 (Pa. Commonwealth 2012) that the court had expanded the law so  
3 that "an unaddressed request written on the back of a brown  
4 paper bag and given to a Penndot plow driver by the side of the  
5 road on a snowy winter night" now must be considered a valid  
6 Right-to-Know Law request; and

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

10 WHEREAS, The Right-to-Know Law limits the ability of State  
11 and local agencies to recover from the fiscal impact of the  
12 various tasks associated with the Right-to-Know Law requests;  
13 therefore be it

14 RESOLVED, That the Legislative Budget and Finance Committee  
15 conduct a comprehensive review relating to the implementation of  
16 the Right-to-Know Law and prepare a report of its findings which  
17 shall include all of the following:

18 (1) Annual costs associated with administration of the  
19 Right-to-Know Law for Commonwealth, judicial and legislative  
20 agencies.

21 (2) Annual costs associated with the administration of  
22 the Right-to-Know Law for local agencies of various sizes and  
23 classification.

24 (3) Recommendations to the General Assembly on  
25 amendments to the Right-to-Know Law which would decrease the  
26 administrative burdens of the law on State and local  
27 agencies.

28 (4) Recommendations to the General Assembly on  
29 amendments to the Right-to-Know Law which may be necessary to  
30 offset the costs associated with administration of the Right-

1 to-Know Law for State and local agencies;

2 and be it further

3 RESOLVED, That the Legislative Budget and Finance Committee  
4 submit a report of its findings to the House of Representatives  
5 within one year of the adoption of this resolution.