

## Veto No. 20

HB 182

December 3, 1975

To the Honorable, the House of Representatives  
of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 182, Printer's No. 2245, entitled "An act amending the act of July 19, 1974 (P.L.486, No.175), entitled 'An act requiring public agencies to hold certain meetings and hearings open to the public and providing penalties,' providing for public notice in case of certain meetings of the General Assembly and excepting meetings of ethics committees created pursuant to rules of the House of Representatives or the Senate."

House Bill 182 seeks to amend the Pennsylvania Sunshine Law (Act No. 175 of 1974) to change various public notice requirements now placed upon the Pennsylvania General Assembly.

In doing so, H.B. 182 provides special changes in Pennsylvania's Sunshine Law only for the Legislature, while failing to address a series of serious concerns faced daily by other governmental agencies on both the State and local level.

It is most important to stress that H.B. 182 does not deal with the many difficulties experienced by our local governmental units in attempting to cope with the Sunshine Law's frequently ambiguous requirements.

The measure would permit the Legislature to comply with the newspaper advertising requirement of existing law by simply supplying the Capitol Newsroom with notice of meeting times and locations for distribution to members of the Pennsylvania Legislative Correspondents Association. However, this provision does not guarantee newspaper publication, and subsequent circulation to the general public. Moreover, the specification of the Correspondents Association as recipients of the notices, implying the exclusion of all others, creates an artificial classification within the news media which is both unsound and undesirable.

The bill seeks to draw a distinction between legislative meetings held within the "Capitol Complex" and those outside the Complex, with different requirements for each. Although I would agree that the need for stringent advertising requirements may be less for meetings held in the Capitol than elsewhere throughout the State, this rationale is equally applicable to Executive agencies on "the Hill" and municipal entities who meet in their respective city halls.

The legislation also permits special legislative days to be scheduled and held based on an announcement by the Speaker of the House or the presiding officer of the Senate to that effect. Again this provision would provide a special exception for the Legislature while ignoring potential needs of a similar nature facing other governmental agencies on the State and local level.

Finally, other amendments in H.B. 182 would render inoperative all existing requirements for written notice and prior publication for covering committee meetings, by allowing these meetings to be called into session by announcement in the House or Senate without any other form of notice. In fact, the bill completely exempts meetings of legislative ethics committees from the requirements of the Sunshine Law.

The original purpose of Pennsylvania's Sunshine Law was, and still is, the opening of governmental operations to public scrutiny. This is a laudable purpose which I fully support.

Unfortunately, the drafters of this law did not foresee certain shortcomings which implementation has proved it has. In certain areas the Sunshine Law has proved unreasonably strict, while in others misleading and vague. Yet, even more critically, the law does not address a whole range of problems. Just a few of these include:

- A requirement that paid advertisements be inserted *and* appear in a newspaper. No exception is allowed if, for some reason, the newspaper fails to include an ad.

- A requirement that a 24-hour notice be given before a meeting is held. Given existing printing schedules for certain newspapers, particularly at the local level, sometimes a week or more "lead time" is necessary for this notice to appear.

- A requirement that advertising is to be made in the local area where the meeting is to be held. This means that notices of meetings of State Government in Harrisburg are advertised in the Harrisburg papers with a circulation population of some 120,000 persons — surely this is not effective public notice to the approximately 12 million Pennsylvanians who do not read the Harrisburg papers but are clearly effected by the actions of their State Government.

- The inadequate definition of important terms such as "Agency," "Board," "Formal action," and others. For example, the law defines "Formal action" as the setting of any official policy. But, what is the meaning of "official policy?" There is simply inadequate guidelines in this area for effective implementation.

In conclusion, my Administration remains committed to effective, open government whose decisions and deliberations on matters directly affecting the public interest will be open to the citizens of the Commonwealth.

I urge the General Assembly, however, to promptly comprehensively examine the inadequacies of Pennsylvania's Sunshine Law and avoid the piecemeal approach which H.B. 182 represents.

For these reasons, I must disapprove House Bill No. 182.

MILTON J. SHAPP