



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 2463

PRINTERS NO. 3713

PRIME SPONSOR: Grove

### COST / (SAVINGS)

FUND	FY 2019/20	FY 2020/21
General Fund	\$0	\$0

**SUMMARY:** Amends the Administrative Code of 1929 (Code) to add a new Article relating to Access to Public Records During Disaster Declaration. This legislation would take effect immediately.

**ANALYSIS:** This legislation amends the Code to add a new Article XXVIII-G relating to Access to Public Records During Disaster Declaration, which provides:

- The Governor may not direct a Commonwealth agency to ignore requests for records or suspend the Commonwealth agency's process to answer a request for records during a disaster declaration. A Commonwealth agency may suspend the process by which a Commonwealth agency responds to a request for records during a disaster declaration only as provided under section 902(a) of the Right-to-Know Law (RTKL). If an extension of time is necessary, the agency shall comply with section 902(b) of the law.
- No later than 5 days after the effective date, the Office of Open Records shall publish guidelines for a Commonwealth agency specifying how the Commonwealth agency is required to respond to a request for records made during a disaster declaration when the Governor has ordered the Commonwealth agency to close the Commonwealth agency's physical location.
- If a Commonwealth agency fails to respond to a request for records during a disaster declaration, a requester may bring a petition before the Commonwealth Court to compel the Commonwealth agency to respond to the request.
- If a Commonwealth agency denies a request for records after being ordered to respond by the Commonwealth court, a requester may appeal the denial to the Office of Open Records or judicial, legislative or other appeals officer designated under section 503(d) of the RTKL.
- A Commonwealth agency may only deny a request for records during a disaster declaration for reasons authorized under the RTKL. A Commonwealth agency may not deny a request for records during a disaster declaration for a reason specified under section 506(b)(1)(i) (relating to disaster or potential damage) under the RTKL.

- Subject to section 708 of the RTKL, the following are considered public records  
During a disaster declaration:
  1. data used by a Commonwealth agency for any rules, policies or actions taken by the Commonwealth agency in relation to the disaster declaration;
  2. the process by which a Commonwealth agency determines how the Commonwealth agency will collect the data used by the Commonwealth agency for any rules, policies or actions taken by the Commonwealth agency in relation to a disaster declaration; and
  3. any quantitative or predictive models based on data collected by a Commonwealth agency and then used by the agency for any rules, policies or actions taken by the Commonwealth agency in relation to a disaster declaration

This Article shall apply for the duration of any disaster declaration issued or any renewal of the disaster declaration until the disaster declaration expires or is terminated. In addition, for the disaster declaration issued by the Governor on March 6, 2020, all requests for records received by a Commonwealth agency since March 6, 2020 shall be treated as if the request for the record had been received by the agency on the effective date of this legislation.

**FISCAL IMPACT:** This legislation would have no adverse fiscal impact on Commonwealth funds.

**PREPARED BY:** Tim Rodrigo  
House Appropriations Committee (R)

**DATE:** May 5, 2020

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*