

AMENDMENTS TO HOUSE BILL NO. 974

Sponsor: REPRESENTATIVE SCHLEGEL

Printer's No. 2412

1 Amend Bill, page 1, lines 17 through 21; page 2, lines 1
2 through 30; page 3, lines 1 through 7; by striking out all of
3 said lines on said pages and inserting

4 Section 1. Section 708(b)(10) and (12) of the act of
5 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law,
6 are amended to read:

7 Section 708. Exceptions for public records.

8 * * *

9 (b) Exceptions.--Except as provided in subsections (c) and
10 (d), the following are exempt from access by a requester under
11 this act:

12 * * *

13 (10) (i) A record that reflects:

14 (A) The internal, predecisional deliberations of
15 an agency, its members, employees or officials or
16 predecisional deliberations between agency members,
17 employees or officials and members, employees or
18 officials of another agency, including predecisional
19 deliberations relating to a budget recommendation,
20 legislative proposal, legislative amendment,
21 contemplated or proposed policy or course of action
22 or any research, memos or other documents used in the
23 predecisional deliberations.

24 (B) The strategy to be used to develop or
25 achieve the successful adoption of a budget,
26 legislative proposal or regulation.

27 (ii) Subparagraph (i)(A) shall apply to agencies
28 subject to 65 Pa.C.S. Ch. 7 (relating to open meetings)
29 in a manner consistent with 65 Pa.C.S. Ch. 7. A record
30 which is not otherwise exempt from access under this act
31 and which is presented to a quorum for deliberation in
32 accordance with 65 Pa.C.S. Ch. 7 shall be a public
33 record.

34 (iii) This paragraph shall not apply to a written or
35 Internet application or other document that has been
36 submitted to request Commonwealth funds.

37 (iv) This paragraph shall not apply to the results

1 of public opinion surveys, polls, focus groups, marketing
2 research or similar effort designed to measure public
3 opinion.
4 (v) This paragraph shall not apply to a record in
5 the possession of a Commonwealth agency relating to a
6 decision of the Commonwealth agency to appeal a decision
7 of Commonwealth Court relating to a rulemaking or a
8 regulation to require the Commonwealth to join the
9 Regional Greenhouse Gas Initiative.
10 * * *