



Senate of Pennsylvania

April 17, 2009

Mr. Tom Savage
Pennsylvania Fire and Emergency Services Institute
223 State Street
Harrisburg, PA 17101

Re: Right-to-Know Law

Dear Mr. Savage:

The Office of Open Records, in the matter of *Scott Pierce v. Morris Township and Morris Township Fire Company*, has issued a Final Determination which found that the volunteer fire company is a "local agency" subject to the provisions of the Right-to-Know Law. The Office of Open Records reached this conclusion despite the uncontested facts that (1) Morris Township Fire Company is a volunteer, non-profit organization, and (2) Morris Township Fire Company does not have any contract with Morris Township to provide firefighting and other emergency services.

We do not believe the definition of "local agency" in section 102 of the law includes volunteer fire companies and similar organizations. The intent of the language in Senate Bill 1 was to exclude these types of organizations from the law unless they have contracted with an agency to perform a governmental function on behalf of the agency. Even in such cases, they would only be subject to the law within the scope of such a contract.

The Final Determination in the *Pierce* case was issued on April 3. Morris Township Fire Company has until May 3 to file an appeal of the decision with the Tioga County Court of Common Pleas. An appeal would act as a stay of the Final Determination. We encourage the fire company to appeal.

Mr. Tom Savage

2

April 17, 2009

If the fire company appeals and this Final Determination is upheld by the Tioga County Court of Common Pleas, we will pursue legislation to address this issue and clarify that volunteer fire companies and similar organizations are, as a general rule, outside the scope of the Right-to-Know Law.

Sincerely,



LISA BAKER
SENATOR



DOMINIC PILEGGI
SENATOR

LB/DP/EA/nt