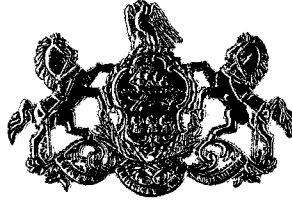


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Senate of Pennsylvania

April 21, 2009

TO: All Senators

FROM: Senator Dominic Pileggi
Senator Lisa Baker *DP* *LB*

RE: Co-sponsorship of Legislation Regarding Volunteer Fire Companies and the Right-to-Know Law

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 new Right-to-Know Law (Act 3 of 2008). 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 believe that this Final Determination was wrongly decided and that it will be overturned if Morris Township Fire Company appeals the decision to the Tioga County Court of Common Pleas.

However, the Final Determination could have a broader impact on volunteer emergency responders and non-profit organizations generally. As such, we plan to introduce legislation to clarify that volunteer fire companies and other non-profit organizations are, as a general rule, outside the scope of the Right-to-Know Law.

The intent of Act 3 was to exclude non-profit organizations from the definition of "local agency" unless they have specifically contracted with a local agency to perform a governmental function on behalf of the local agency. Even in such cases, they would only be subject to the law within the scope of such a contract.

If you would like to co-sponsor this legislation please contact Michelle Kreiger at mkreiger@pasen.gov or 787-4712.