



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF

:

**HOWARD KLEIN,
Requester**

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:

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v.

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Docket No.: AP 2016-1536

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**COMMONWEALTH OF PENNSYLVANIA,
LEGISLATIVE BUDGET AND
FINANCE COMMITTEE
Respondent**

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On or about August 9, 2016, Howard Klein (“Requester”), submitted a request (“Request”) to the Pennsylvania Legislative Budget and Finance Committee, (“Committee”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking documents pertaining to a land application of sewage sludge as fertilizer. The Committee responded on August 26, 2016, denying the request because the requested documents are not legislative records under Section 1102 of the RTKL. On September 9, 2016, Requester appealed to the Office of Open Records (“OOR”) stating the information he requested was in the public interest.

The Committee is a “[l]egislative agency” as defined by the RTKL. *See* 65 P.S. § 67.102. Legislative agencies are not subject to the jurisdiction of the OOR. *See* 65 P.S. § 67.503(c)(2)(ii). Instead, appeals involving a legislative agency are to be heard by an appeals officer designated by the legislative agency. *Id.* (“A legislative agency shall designate an appeals officer to hear appeals under Chapter 11”). Accordingly, the appeal is hereby transferred to the

Appeals Officer for the Legislative Reference Bureau (“Bureau”). A copy of this final order and the appeal filed by the Requester will be sent to Appeals Officer for the Bureau.

For the foregoing reasons, Requester’s appeal is **transferred** to Appeals Officer for the Bureau. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, either party may appeal to the Commonwealth Court. 65 P.S. § 67.1301(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond as per Section 1303 of the RTKL. This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: September 13, 2016

/s/ Charles Rees Brown

Chief Counsel
Charles Rees Brown

Sent to: Requester, Legislative Reference Bureau