

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 65

Session of
1993

INTRODUCED BY PETRARCA, STABACK, GEIST, TRELLO, S. H. SMITH,
KUKOVICH, E. Z. TAYLOR, LAUGHLIN, COLAIZZO, DeLUCA,
VAN HORNE, BELFANTI, PESCI, KING, TIGUE, MELIO, WAUGH, CURRY,
DERMODY, OLASZ, VEON, PLATTS AND SERAFINI, JANUARY 27, 1993

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, MAY 10, 1993

AN ACT

1 Amending the act of July 3, 1986 (P.L.388, No.84), entitled "An
2 act requiring public agencies to hold certain meetings and
3 hearings open to the public; and providing penalties,"
4 providing for public comment.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. The act of July 3, 1986 (P.L.388, No.84), known
8 as the Sunshine Act, is amended by adding a section to read:

9 ~~Section 10.1. Public comment.~~ <—

10 ~~(a) General rule. The board or council of any county, city,~~
11 ~~borough, town, township or school district shall provide a~~
12 ~~reasonable opportunity at each regular meeting for ADVERTISED~~ <—
13 ~~REGULAR MEETING AND ADVERTISED SPECIAL MEETING FOR MEDIA~~
14 ~~REPRESENTATIVES, residents and taxpayers to address the board or~~
15 ~~council on matters of concern in that county, city, borough,~~
16 ~~town, township or school district. In addition, nothing in this~~
17 ~~section shall limit the ability of the board or council of any~~

~~county, city, borough, town, township or school district to
conduct special meetings to receive comments from MEDIA
REPRESENTATIVES, residents and taxpayers; provided, however,
that such special meetings be convened in advance of the next
regular meeting.~~

~~(b) Judicial relief unavailable. A violation of subsection
(a) shall not be grounds for judicial relief under section 13.~~

SECTION 10.1. PUBLIC PARTICIPATION.

(A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (D), THE
BOARD OR COUNCIL OF A POLITICAL SUBDIVISION, OR OF AN AUTHORITY
CREATED BY A POLITICAL SUBDIVISION, SHALL PROVIDE A REASONABLE
OPPORTUNITY AT EACH ADVERTISED REGULAR MEETING AND ADVERTISED
SPECIAL MEETING FOR RESIDENTS OF THE POLITICAL SUBDIVISION OR OF
THE AUTHORITY CREATED BY A POLITICAL SUBDIVISION OR FOR
TAXPAYERS OF THE POLITICAL SUBDIVISION OR OF THE AUTHORITY
CREATED BY A POLITICAL SUBDIVISION, OR FOR BOTH, TO COMMENT ON
MATTERS OF CONCERN, OFFICIAL ACTION OR DELIBERATION WHICH ARE OR
MAY BE BEFORE THE BOARD OR COUNCIL. IF THE BOARD OR COUNCIL
DETERMINES THAT THERE IS NOT SUFFICIENT TIME AT A MEETING FOR
RESIDENTS OF THE POLITICAL SUBDIVISION OR OF THE AUTHORITY
CREATED BY A POLITICAL SUBDIVISION OR FOR TAXPAYERS OF THE
POLITICAL SUBDIVISION OR OF THE AUTHORITY CREATED BY A POLITICAL
SUBDIVISION, OR FOR BOTH TO COMMENT, THE BOARD OR COUNCIL MAY
DEFER THE COMMENT PERIOD TO THE NEXT REGULAR MEETING OR TO A
SPECIAL MEETING OCCURRING IN ADVANCE OF THE NEXT REGULAR
MEETING.

(B) LIMITATION ON JUDICIAL RELIEF.--IF A BOARD OR COUNCIL OF
A POLITICAL SUBDIVISION, OR AN AUTHORITY CREATED BY A POLITICAL
SUBDIVISION, HAS COMPLIED WITH THE PROVISIONS OF SUBSECTION (A),
THE JUDICIAL RELIEF UNDER SECTION 13 SHALL NOT BE AVAILABLE ON A

1 SPECIFIC ACTION SOLELY ON THE BASIS OF LACK OF COMMENT ON THAT
2 ACTION.

3 (C) OBJECTION.--ANY PERSON HAS THE RIGHT TO RAISE AN
4 OBJECTION AT ANY TIME TO A PERCEIVED VIOLATION OF THIS ACT AT
5 ANY MEETING OF A BOARD OR COUNCIL OF A POLITICAL SUBDIVISION OR
6 AN AUTHORITY CREATED BY A POLITICAL SUBDIVISION.

7 (D) EXCEPTION.--THE BOARD OR COUNCIL OF A POLITICAL
8 SUBDIVISION OR OF AN AUTHORITY CREATED BY A POLITICAL
9 SUBDIVISION WHICH HAD, BEFORE JANUARY 1, 1993, ESTABLISHED A
10 PRACTICE OR POLICY OF HOLDING SPECIAL MEETINGS, SOLELY FOR THE
11 PURPOSE OF PUBLIC COMMENT, IN ADVANCE OF ADVERTISED REGULAR
12 MEETINGS, SHALL BE EXEMPT FROM THE PROVISIONS OF SUBSECTION (A).

13 Section 2. This act shall take effect in 60 days.