

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 554 Session of 2021

INTRODUCED BY STEFANO, BROWNE, AUMENT, MARTIN, A. WILLIAMS, SCHWANK AND MASTRIANO, APRIL 13, 2021

AS AMENDED ON THIRD CONSIDERATION, JUNE 8, 2021

AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania
2 Consolidated Statutes, in open meetings, further providing
3 for public notice and providing for notification of agency
4 business required and exceptions.

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

7 Section 1. Section 709 of Title 65 of the Pennsylvania <--
8 Consolidated Statutes is amended by adding a subsection to read:

9 SECTION 1. SECTION 709(D) OF TITLE 65 OF THE PENNSYLVANIA <--
10 CONSOLIDATED STATUTES IS AMENDED AND THE SECTION IS AMENDED BY
11 ADDING A SUBSECTION TO READ:

12 § 709. Public notice.

13 * * *

14 (c.1) Notification of agency business to be considered. In <--
15 addition to any public notice required under this section, an
16 agency shall provide the following notification of agency
17 business to be considered at a meeting as follows:

18 (1) If the agency has a publicly accessible Internet
19 website, the agency shall post the agenda, which includes a

~~listing of each matter of agency business that will be or may be the subject of deliberation or official action at the meeting, on the website no later than 24 hours in advance of the time of the convening of the meeting.~~

~~(2) The agency shall post the agenda, which includes a listing of each matter of agency business that will be or may be the subject of deliberation or official action at the meeting, at the location of the meeting and at the principal office of the agency.~~

~~(3) The agency shall make available to individuals in attendance at the meeting copies of the agenda, which include a listing of each matter of agency business that will be or may be the subject of deliberation or official action at the meeting.~~

(C.1) NOTIFICATION OF AGENCY BUSINESS TO BE CONSIDERED.-- <--

(1) IN ADDITION TO ANY PUBLIC NOTICE REQUIRED UNDER THIS SECTION, AN AGENCY SHALL PROVIDE THE FOLLOWING NOTIFICATION OF AGENCY BUSINESS TO BE CONSIDERED AT A MEETING AS FOLLOWS:

(I) IF THE AGENCY HAS A PUBLICLY ACCESSIBLE INTERNET WEBSITE, THE AGENCY SHALL POST THE AGENDA, WHICH INCLUDES A LISTING OF EACH MATTER OF AGENCY BUSINESS THAT WILL BE OR MAY BE THE SUBJECT OF DELIBERATION OR OFFICIAL ACTION AT THE MEETING, ON THE WEBSITE NO LATER THAN 24 HOURS IN ADVANCE OF THE TIME OF THE CONVENING OF THE MEETING.

(II) THE AGENCY SHALL POST THE AGENDA, WHICH INCLUDES A LISTING OF EACH MATTER OF AGENCY BUSINESS THAT WILL BE OR MAY BE THE SUBJECT OF DELIBERATION OR OFFICIAL ACTION AT THE MEETING, AT THE LOCATION OF THE MEETING AND AT THE PRINCIPAL OFFICE OF THE AGENCY.

(III) THE AGENCY SHALL MAKE AVAILABLE TO INDIVIDUALS

1 IN ATTENDANCE AT THE MEETING COPIES OF THE AGENDA, WHICH
2 INCLUDE A LISTING OF EACH MATTER OF AGENCY BUSINESS THAT
3 WILL BE OR MAY BE THE SUBJECT OF DELIBERATION OR OFFICIAL
4 ACTION AT THE MEETING.

5 (2) THIS SUBSECTION SHALL NOT APPLY TO A CONFERENCE OR A
6 WORKING SESSION UNDER SECTION 707 (RELATING TO EXCEPTIONS TO
7 OPEN MEETINGS) OR AN EXECUTIVE SESSION UNDER SECTION 708
8 (RELATING TO EXECUTIVE SESSIONS).

9 (D) MEETINGS OF GENERAL ASSEMBLY IN CAPITOL COMPLEX.--
10 NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY,
11 IN CASE OF SESSIONS OF THE GENERAL ASSEMBLY, ALL MEETINGS OF
12 LEGISLATIVE COMMITTEES HELD WITHIN THE CAPITOL COMPLEX WHERE
13 BILLS ARE CONSIDERED, INCLUDING CONFERENCE COMMITTEES, ALL
14 LEGISLATIVE HEARINGS HELD WITHIN THE CAPITOL COMPLEX WHERE
15 TESTIMONY IS TAKEN AND ALL MEETINGS OF LEGISLATIVE COMMISSIONS
16 HELD WITHIN THE CAPITOL COMPLEX, THE REQUIREMENT FOR PUBLIC
17 NOTICE THEREOF SHALL BE COMPLIED WITH IF, NOT LATER THAN THE
18 PRECEDING DAY:

19 (1) THE SUPERVISOR OF THE NEWSROOM OF THE STATE CAPITOL
20 BUILDING IN HARRISBURG IS SUPPLIED FOR DISTRIBUTION TO THE
21 MEMBERS OF THE PENNSYLVANIA LEGISLATIVE CORRESPONDENTS
22 ASSOCIATION WITH A MINIMUM OF 30 COPIES OF THE NOTICE OF THE
23 DATE, TIME AND PLACE OF EACH SESSION, MEETING OR HEARING[.]
24 OR THE NOTICE IS PROVIDED VIA ELECTRONIC MEANS TO AN EMAIL
25 ADDRESS DESIGNATED BY THE PENNSYLVANIA LEGISLATIVE
26 CORRESPONDENTS ASSOCIATION.

27 (2) THERE IS A POSTING OF THE COPY OF THE NOTICE AT
28 PUBLIC PLACES WITHIN THE MAIN CAPITOL BUILDING DESIGNATED BY
29 THE SECRETARY OF THE SENATE AND THE CHIEF CLERK OF THE HOUSE
30 OF REPRESENTATIVES OR THE NOTICE IS POSTED ON THE PUBLICLY

1 ACCESSIBLE INTERNET WEBSITE OF THE GENERAL ASSEMBLY.

2 * * *

3 Section 2. Title 65 is amended by adding a section to read:

4 § 712.1. Notification of agency business required and
5 exceptions.

6 (a) Official action.--Except as provided in subsection (b),
7 (c), (d) or (e), an agency may not take official action on a
8 matter of agency business at a meeting if the matter was not
9 included in the notification required under section 709(c.1)
10 (relating to public notice).

11 (b) Emergency business.--An agency may take official action
12 at a regularly scheduled meeting or an emergency meeting on a
13 matter of agency business relating to a real or potential
14 emergency involving a clear and present danger to life or
15 property regardless of whether public notice was given for the
16 meeting.

17 (c) Business arising within 24 hours before meeting.--An
18 agency may take official action on a matter of agency business
19 that is not listed on a meeting agenda if:

20 (1) the matter arises or is brought to the attention of
21 the agency within the 24-hour period prior to the meeting;
22 and

23 (2) the matter is de minimis in nature and does not
24 involve the expenditure of funds or entering into a contract
25 or agreement by the agency.

26 (d) Business arising during meeting.--If, during the conduct
27 of a meeting, a resident or taxpayer brings a matter of agency
28 business that is not listed on the meeting agenda to the
29 attention of the agency, the agency may take official action to
30 refer the matter to staff, if applicable, for the purpose of

1 researching the matter for inclusion on the agenda of a future
2 meeting, or, if the matter is de minimis in nature and does not
3 involve the expenditure of funds or entering into a contract or
4 agreement, the agency may take official action on the matter.

5 ~~(e) Changes to agenda. Upon majority vote of the~~ <--
6 ~~individuals present and voting during the conduct of a meeting,~~
7 ~~an agency may add a matter of agency business to the agenda. The~~
8 ~~reasons for the changes to the agenda shall be announced at the~~
9 ~~meeting before any vote is conducted to make the changes to the~~
10 ~~agenda. The agency may subsequently take official action on the~~
11 ~~matter added to the agenda. The agency shall post the amended~~
12 ~~agenda on the agency's publicly accessible Internet website, if~~
13 ~~available, and at the agency's principal office location no~~
14 ~~later than the first business day following the meeting at which~~
15 ~~the agenda was changed.~~

16 (E) CHANGES TO AGENDA.-- <--

17 (1) UPON MAJORITY VOTE OF THE INDIVIDUALS PRESENT AND
18 VOTING DURING THE CONDUCT OF A MEETING, AN AGENCY MAY ADD A
19 MATTER OF AGENCY BUSINESS TO THE AGENDA. THE REASONS FOR THE
20 CHANGES TO THE AGENDA SHALL BE ANNOUNCED AT THE MEETING
21 BEFORE ANY VOTE IS CONDUCTED TO MAKE THE CHANGES TO THE
22 AGENDA. THE AGENCY MAY SUBSEQUENTLY TAKE OFFICIAL ACTION ON
23 THE MATTER ADDED TO THE AGENDA. THE AGENCY SHALL POST THE
24 AMENDED AGENDA ON THE AGENCY'S PUBLICLY ACCESSIBLE INTERNET
25 WEBSITE, IF AVAILABLE, AND AT THE AGENCY'S PRINCIPAL OFFICE
26 LOCATION NO LATER THAN THE FIRST BUSINESS DAY FOLLOWING THE
27 MEETING AT WHICH THE AGENDA WAS CHANGED.

28 (2) THIS SUBSECTION SHALL NOT APPLY TO A CONFERENCE OR A
29 WORKING SESSION UNDER SECTION 707 (RELATING TO EXCEPTIONS TO
30 OPEN MEETINGS) OR AN EXECUTIVE SESSION UNDER SECTION 708

1 (RELATING TO EXECUTIVE SESSIONS).

2 (f) Minutes.--If action is taken upon a matter of agency
3 business added to the agenda under this section, the minutes of
4 the meeting shall reflect the substance of the matter added, the
5 vote on the addition and the announced reasons for the addition.

6 Section 3. This act shall take effect in 60 days.