

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 734 Session of
2003

INTRODUCED BY DeWEESE, BEBKO-JONES, HERMAN, LAUGHLIN, MUNDY,
STABACK, WOJNAROSKI, HARHAI, SCRIMENTI, DeLUCA, ROBERTS,
WASHINGTON, JOSEPHS, SHANER, CRUZ, KIRKLAND, MELIO, MYERS,
J. WILLIAMS, YEWIC, JAMES, THOMAS, PETRARCA, HORSEY, MAHER
AND LEACH, MARCH 6, 2003

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 6, 2003

AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania
2 Consolidated Statutes, further providing for business
3 transacted at unauthorized meeting, for penalties and for
4 jurisdiction and venue of judicial proceedings.

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

7 Section 1. Sections 713, 714 and 715 of Title 65 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 713. Business transacted at unauthorized meeting void.

10 A legal challenge under this chapter shall be filed within 30
11 days from the date of a meeting which is open, or within 30 days
12 from the discovery of any action that occurred at a meeting
13 which was not open at which this chapter was violated, provided
14 that, in the case of a meeting which was not open, no legal
15 challenge may be commenced more than one year from the date of
16 said meeting. [The] A court of record may enjoin any challenged
17 action until a judicial determination of the legality of the

meeting at which the action was adopted is reached. Should [the]
any court, including a court of record, determine that [the] a
meeting did not meet the requirements of this chapter, it may in
its discretion find that any or all official action taken at the
meeting shall be invalid. Should the court determine that the
meeting met the requirements of this chapter, all official
action taken at the meeting shall be fully effective. The court
shall impose reasonable attorney fees on the losing party unless
it makes a specific finding that it would be unjust to do so.

§ 714. Penalty.

Any member of any agency who participates in a meeting with
the intent and purpose by that member of violating this chapter
commits a summary offense and shall, upon conviction, be
sentenced to pay a fine not exceeding \$100 plus costs of
prosecution. The court shall impose reasonable attorney fees on
the losing party unless it makes a specific finding that it
would be unjust to do so, provided, however, that no attorney
fees may be imposed on the district attorney or county for
unsuccessfully prosecuting a case.

§ 715. Jurisdiction and venue of judicial proceedings.

District justices and judges of the Philadelphia Municipal
Court shall have original jurisdiction of all civil and criminal
actions under this chapter except as follows:

(1) The Commonwealth Court shall have original
jurisdiction of all civil actions involving State agencies
[and the].

(2) The courts of common pleas shall have original
jurisdiction of actions involving other agencies to render
declaratory judgments or to [enforce this chapter by
injunction or other remedy deemed appropriate by the court.

1 The] enjoin meetings from taking place in violation of this
2 chapter.

3 (3) Once injunctive relief has been granted, the same
4 court shall retain jurisdiction to impose punishment for
5 contempt of court and, in its discretion, to declare official
6 action invalid pursuant to section 713 (relating to business
7 transacted at unauthorized meeting void). An action may be
8 brought by any person where the agency whose act is
9 complained of is located or where the act complained of
10 occurred.

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