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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1671 Session of  
2013

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INTRODUCED BY SACCONI, MALONEY, ROCK, KORTZ AND MILNE,  
SEPTEMBER 3, 2013

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 3, 2013

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AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania  
2 Consolidated Statutes, in open meetings, further providing  
3 for executive sessions and for penalties.

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

6 Section 1. Section 708(a) and (b) of Title 65 of the  
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 708. Executive sessions.

9 (a) Purpose.--An agency may hold an executive session for  
10 one or more of the following reasons:

11 (1) To discuss any matter [involving], as it pertains to  
12 a specific individual prospective, current or former  
13 employee, relating to the employment, appointment,  
14 termination of employment, terms and conditions of  
15 employment, evaluation of performance, promotion or  
16 disciplining of [any] the specific individual prospective  
17 [public officer or] employee or current [public officer or]  
18 employee employed or appointed by the agency, or specific

1 individual former [public officer or] employee, provided,  
2 however, that the individual employees [or appointees] whose  
3 rights could be adversely affected may request, in writing,  
4 that the matter or matters be discussed at an open meeting.  
5 The agency's decision to discuss such matters in executive  
6 session shall not serve to adversely affect the due process  
7 rights granted by law, including those granted by Title 2  
8 (relating to administrative law and procedure). The  
9 provisions of this paragraph shall not apply to any meeting  
10 involving the appointment or selection of any person to fill  
11 a vacancy in any elected office. An agency shall discuss all  
12 other agency business relating to the employment,  
13 appointment, termination of employment, terms and conditions  
14 of employment, evaluation of performance, promotion or  
15 disciplining of employees of the agency at an open meeting  
16 under section 704 (relating to open meetings).

17 (2) To hold information, strategy and negotiation  
18 sessions related to the negotiation or arbitration of a  
19 collective bargaining agreement or, in the absence of a  
20 collective bargaining unit, related to labor relations and  
21 arbitration.

22 (3) To consider the purchase or lease of real property  
23 up to the time an option to purchase or lease the real  
24 property is obtained or up to the time an agreement to  
25 purchase or lease such property is obtained if the agreement  
26 is obtained directly without an option.

27 (4) To consult with its attorney or other professional  
28 advisor regarding information or strategy in connection with  
29 litigation or with issues on which identifiable complaints  
30 are expected to be filed.

1           (5) To review and discuss agency business which, if  
2 conducted in public, would violate a lawful privilege or lead  
3 to the disclosure of information or confidentiality protected  
4 by law, including matters related to the initiation and  
5 conduct of investigations of possible or certain violations  
6 of the law and quasi-judicial deliberations.

7           (6) For duly constituted committees of a board or  
8 council of trustees of a State-owned, State-aided or State-  
9 related college or university or community college or of the  
10 Board of Governors of the State System of Higher Education to  
11 discuss matters of academic admission or standings.

12           (7) To review and discuss plans related to security and  
13 emergency preparedness, including the physical security of  
14 buildings, staff training, communication procedures, plans  
15 for evacuation, lock-down or other safety measures,  
16 coordination with police, fire and other safety agencies that  
17 if disclosed would be reasonably likely to jeopardize or  
18 threaten security or preparedness. The cost of implementing a  
19 plan and information relating to the equipment to be  
20 purchased shall be discussed at an open meeting under section  
21 704.

22           (b) Procedure.--

23           (1) The executive session may be held during an open  
24 meeting or at the conclusion of an open meeting or may be  
25 announced for a future time. The reason for holding the  
26 executive session must be announced at the open meeting  
27 occurring immediately prior or subsequent to the executive  
28 session. If the executive session is not announced for a  
29 future specific time, members of the agency shall be notified  
30 24 hours in advance of the time of the convening of the

1 meeting specifying the date, time, location and purpose of  
2 the executive session.

3 (2) The entire executive session shall be recorded and  
4 the agency shall maintain the recording for a period of one  
5 year.

6 (3) Prior to holding an executive session on any matter,  
7 the agency shall obtain advice from a solicitor or legal  
8 counsel as to whether or not the matter may be discussed at  
9 an executive session under the provisions of this section.

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11 Section 2. Section 714 of Title 65 is amended by adding a  
12 subsection to read:

13 § 714. Penalty.

14 \* \* \*

15 (c) Immunity.--Any member of an agency shall be immune from  
16 criminal liability, costs and fees for violations of this  
17 chapter if the member makes a good faith report, verbally or in  
18 writing, to the appropriate authority of a violation of this  
19 chapter.

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