

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2115 Session of
2012

INTRODUCED BY KRIEGER, CALTAGIRONE, TALLMAN, MURT, EVANKOVICH,
LAWRENCE, SONNEY, PYLE, SWANGER, DAVIDSON, HORNAMAN, GEORGE,
DENLINGER, METCALFE, KORTZ, DUNBAR, GINGRICH, HENNESSEY,
EVERETT, COX AND CREIGHTON, JANUARY 10, 2012

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 10, 2012

AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania
2 Consolidated Statutes, further providing for public
3 participation.

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

6 Section 1. Section 710.1 of Title 65 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 710.1. Public participation.

9 (a) General rule.--Except as provided in subsection (d), the
10 board or council of a political subdivision or of an authority
11 created by a political subdivision shall provide a reasonable
12 opportunity at each advertised regular meeting and advertised
13 special meeting for residents of the political subdivision or of
14 the authority created by a political subdivision or for
15 taxpayers of the political subdivision or of the authority
16 created by a political subdivision or for both to comment on
17 matters of concern, official action or deliberation which are or

1 may be before the board or council prior to taking official
2 action[. The board or council has the option to accept all
3 public comment at the beginning of the meeting.] on each item. A
4 board or council shall not require a resident to register before
5 the meeting in order to comment. If the board or council
6 determines that there is not sufficient time at a meeting for
7 residents of the political subdivision or of the authority
8 created by a political subdivision or for taxpayers of the
9 political subdivision or of the authority created by a political
10 subdivision or for both to comment, the board or council may
11 defer the comment period to the next regular meeting or to a
12 special meeting occurring in advance of the next regular
13 meeting.

14 (b) Limitation on judicial relief.--If a board or council of
15 a political subdivision or an authority created by a political
16 subdivision has complied with the provisions of subsection (a),
17 the judicial relief under section 713 (relating to business
18 transacted at unauthorized meeting void) shall not be available
19 on a specific action solely on the basis of lack of comment on
20 that action.

21 (c) Objection.--Any person has the right to raise an
22 objection at any time to a perceived violation of this chapter
23 at any meeting of a board or council of a political subdivision
24 or an authority created by a political subdivision.

25 (d) Exception.--The board or council of a political
26 subdivision or of an authority created by a political
27 subdivision which had, before January 1, 1993, established a
28 practice or policy of holding special meetings solely for the
29 purpose of public comment in advance of advertised regular
30 meetings shall be exempt from the provisions of subsection (a).

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