

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1130 Session of
2022

INTRODUCED BY DUSH, HUTCHINSON, J. WARD, SCHWANK AND KEARNEY,
MARCH 9, 2022

REFERRED TO STATE GOVERNMENT, MARCH 9, 2022

AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania
2 Consolidated Statutes, in open meetings, further providing
3 for definitions, for minutes of meetings, public records and
4 recording of meetings, for public participation and for use
5 of equipment during meetings.

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

8 Section 1. The definition of "public notice" in section 703
9 of Title 65 of the Pennsylvania Consolidated Statutes is amended
10 and the section is amended by adding a definition to read:

11 § 703. Definitions.

12 The following words and phrases when used in this chapter
13 shall have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 * * *

16 "Authorized telecommunications device." A device which
17 permits, at a minimum, audio communication between individuals.

18 * * *

19 "Public notice."

1 (1) For a meeting:

2 (i) Publication of notice of the place, date [and],
3 time, method of broadcast and acceptance of remote public
4 comment, if applicable, of a meeting in a newspaper of
5 general circulation, as defined by 45 Pa.C.S. § 101
6 (relating to definitions), which is published and
7 circulated in the political subdivision where the meeting
8 will be held, or in a newspaper of general circulation
9 which has a bona fide paid circulation in the political
10 subdivision equal to or greater than any newspaper
11 published in the political subdivision.

12 (ii) Posting a notice of the place, date [and],
13 time, method of broadcast and acceptance of remote public
14 comment, if applicable, of a meeting prominently at the
15 principal office of the agency holding the meeting or at
16 the public building in which the meeting is to be held.

17 (iii) Giving notice to parties under section 709(c)
18 (relating to public notice).

19 (2) For a recessed or reconvened meeting:

20 (i) Posting a notice of the place, date [and], time
21 method of broadcast and acceptance of remote public
22 comment, if applicable, of the meeting prominently at the
23 principal office of the agency holding the meeting or at
24 the public building in which the meeting is to be held.

25 (ii) Giving notice to parties under section 709(c).

26 * * *

27 Section 2. Section 706 of Title 65 is amended by adding a
28 paragraph to read:

29 § 706. Minutes of meetings, public records and recording of
30 meetings.

Written minutes shall be kept of all open meetings of agencies. The minutes shall include:

* * *

(5) A statement disclosing the availability of a broadcast of a meeting and the acceptance of remote public comment, if applicable. If a recording of the meeting is available on an Internet website, the statement shall include the web address or uniform resource locator to the recording of the meeting.

Section 3. Sections 710.1 and 711 of Title 65 are amended by adding subsections to read:

§ 710.1. Public participation.

* * *

(e) Remote public comment.--If a board or council of a political subdivision or of an authority created by a political subdivision adopts rules for remote public comment under section 711(d) (relating to use of equipment during meetings), in the event that remote public comment cannot be received by the manner advertised or by a contingency plan under section 711(d) (2), official action of a matter shall be postponed until the next advertised meeting.

§ 711. Use of equipment during meetings.

* * *

(c) Local broadcast rules.--

(1) A board or council of a political subdivision or of an authority created by a political subdivision may adopt rules governing the broadcast of a meeting.

(2) A board or council broadcasting a meeting using an Internet website, mobile application or social media platform shall broadcast the entire meeting except for an executive

1 session.

2 (3) If a recording of a broadcast of a meeting is
3 available for public access after the meeting, no portion of
4 the broadcast may be omitted or muted from the recording.

5 (d) Remote public comment.--

6 (1) The board or council of a political subdivision or
7 of an authority created by a political subdivision may adopt
8 rules permitting the acceptance of remote public comment by
9 the use of an authorized telecommunications device in
10 addition to public comment at the physical location of the
11 meeting under section 710.1 (relating to public
12 participation).

13 (2) A rule under this subsection may include:

14 (i) A requirement that an individual seeking to
15 offer public comment must demonstrate that the individual
16 is entitled to offer public comment under section
17 710.1(a).

18 (ii) A process to allow an individual seeking to be
19 recognized for remote public comment to be placed on a
20 list or in a virtual queue.

21 (iii) A contingency plan to allow remote public
22 comment to be received during a meeting by telephone
23 audible throughout the meeting location by amplification
24 only if:

25 (A) the advertised authorized telecommunications
26 device is unable to be utilized by the political
27 subdivision or authority during the meeting because
28 of an Internet service outage or other technological
29 failure impacting the device's operation at the
30 meeting location; and

1 (B) a notice placed on the posted meeting agenda
2 provides contact information for the telephone.
3 (3) Nothing in this section shall be construed to
4 authorize the acceptance of written comments through a social
5 media platform, email or web platform as a substitute for
6 public comment under section 710.1.
7 Section 4. This act shall take effect in 60 days.