



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 2428

PRINTERS NO. 3153

PRIME SPONSOR: Knowles

COST / (SAVINGS)

FUND	FY 2021/22	FY 2022/23
Political Subdivision Funds	\$0	\$0

SUMMARY: Amends the Sunshine Act to facilitate the creation of local rules allowing meetings to be broadcast online and allow public comment via authorized telecommunications devices. This legislation would take effect in 60 days.

ANALYSIS: This legislation provides for the following:

I. Permitting local rules for Internet broadcast. Political subdivisions and municipal authorities will be permitted to adopt local rules facilitating the broadcast of its meetings through its website, social media applications or other mobile application. The following conditions apply:

- a) A broadcast meeting must include the entire meeting other than executive sessions.
- b) If the meeting recording is made available for later viewing, no portion of the broadcast meeting may be omitted, unless it is essential to exclude speech at the meeting that is not protected by the First Amendment or may expose the agency to legal liability if included.
 - i. If the recording or broadcast is edited, those changes must be explained in the meeting minutes.
 - ii. If a recording or broadcast is edited, the local agency must retain the original copy of the unedited recording for at least one year following the meeting
- c) If the meeting recording is made available on a website, the Internet address to the recording must be listed in the minutes.

II. Permitting local rules for acceptance of public comment. Political subdivisions and municipal authorities will be permitted to adopt local rules permitting the public to offer remote public comment by "authorized telecommunications device" in addition to in-person public comment. The following conditions apply:

- a) "Authorized telecommunications device" constitutes a device which allows, at minimum, two-way communications by audio.
- b) Local rules may not include a mandate that all public comment be made via "authorized telecommunications devices", thereby prohibiting comment made in-person, except due to exigent circumstances or during a declaration of disaster emergency.

- c) The agency holding a meeting with local rules may require a prospective member of the public offering remote public comment to demonstrate that the person is entitled to public comment under existing law.
- d) The agency may adopt a process to create a queue for interested members of the public to sign up for an opportunity to offer comment.
- e) If the agency has advertised that the public will be able to offer remote public comment, official action must either be postponed until the next meeting if remote public comment becomes unavailable or provide a backup procedure to allow public comment to be accepted during the meeting by speakerphone.

III. Public notification and records. A political subdivision or municipal authority offering Internet broadcast or remote public comment under I and II must include information regarding the broadcast or public comment to in its existing public notices and meeting minutes, including the meeting agenda. The meeting agenda must also provide information on where to find local rules adopted for the acceptance of public comment, if applicable.

FISCAL IMPACT: This legislation would have no adverse fiscal impact on Commonwealth or political subdivision funds.

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House Appropriations Committee (R)

DATE: May 24, 2022

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.