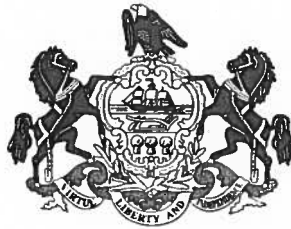


**KATE M. HARPER, MEMBER
61ST LEGISLATIVE DISTRICT**

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House of Representatives
Commonwealth of Pennsylvania
Harrisburg

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MEMO

Date: February 23, 2011
To: All Members of the House of Representatives
From: Representative Kate M. Harper
61st Legislative District
Re: Amendment to the Sunshine Act – FORMER HB 2757

In the near future, I plan to reintroduce legislation which would amend the Sunshine Act regarding executive sessions held to discuss pending litigation. Litigation strategy is already an allowable reason for an executive session.

However, a recent court decision involving an assessment appeal held that the current litigation exception in the Sunshine Act was too narrow to permit a school board to include adverse parties in an executive session to discuss and negotiate their pending assessment appeal. Without this ability, negotiating settlements would be the sole province of solicitors, excluding locally elected officials even when they want to participate.

My legislation would expand the current litigation exception to grant specific authority for an agency to discuss and hold negotiation sessions with litigants or potential litigants and their attorneys on pending or potential litigation. I would note that the Sunshine Act currently permits executive session to hold “negotiation sessions” on collective bargaining.

If you wish to co-sponsor this legislation, please call 717-787-2801.

PREVIOUS COSPONSORS: FLECK, GINGRICH, HENNESSEY, KORTZ, O'NEILL, SONNEY, SWANGER and FARRY