

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1706 Session of  
1997

INTRODUCED BY STEIL, ROSS, WALKO, STABACK, COLAIZZO, B. SMITH,  
TRELLO, CORRIGAN, CURRY AND L. I. COHEN, JUNE 25, 1997

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 25, 1997

AN ACT

1 Amending the act of July 3, 1986 (P.L.388, No.84), entitled "An  
2 act requiring public agencies to hold certain meetings and  
3 hearings open to the public; and providing penalties,"  
4 further defining "public notice"; defining "work session";  
5 and further providing for public notice and for public  
6 participation.

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

9 Section 1. The definition of "public notice" in section 3 of  
10 the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine  
11 Act, is amended and the section is amended by adding a  
12 definition to read:

13 Section 3. Definitions.

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

17 \* \* \*

18 "Public notice."

19 (1) For a meeting other than a meeting described in  
20 paragraph (3):

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

10 (ii) Posting a notice of the place, date and time of  
11 a meeting prominently at the principal office of the  
12 agency holding the meeting or at the public building in  
13 which the meeting is to be held.

14 (iii) Giving notice to parties under section 9(c).

15 (2) For a recessed or reconvened meeting:

16 (i) Posting a notice of the place, date and time of  
17 the meeting prominently at the principal office of the  
18 agency holding the meeting or at the public building in  
19 which the meeting is to be held.

20 (ii) Giving notice to parties under section 9(c).

21 (3) For a work session:

22 (i) Publication of a notice in a newspaper of  
23 general circulation, as defined by 45 Pa.C.S. § 101  
24 (relating to definitions), which is published and  
25 circulated in the political subdivision where the meeting  
26 will be held, or in a newspaper of general circulation  
27 which has a bona fide paid circulation in the political  
28 subdivision equal to or greater than any newspaper  
29 published in the political subdivision. The notice shall  
30 include the following:

1           (A) the place, date and time of the meeting;  
2           (B) a statement indicating the purpose of the  
3           meeting;  
4           (C) a statement indicating that no official  
5           action will be taken; and  
6           (D) a statement indicating that no comment  
7           period, as provided in section 10.1, will be  
8           provided.

9           (ii) Posting a notice prominently at the principal  
10          office of the agency holding the meeting or at the public  
11          building in which the meeting is to be held. The notice  
12          shall include the following:

13           (A) the place, date and time of the meeting;  
14           (B) a statement indicating the purpose of the  
15           meeting;  
16           (C) a statement indicating that no official  
17           action will be taken; and  
18           (D) a statement indicating that no comment  
19           period, as provided in section 10.1, will be  
20           provided.

21          \* \* \*

22          "Work session." A gathering of agency members which is held  
23          for the purpose of setting the agenda for an advertised regular  
24          meeting or an advertised special meeting or for the purpose of  
25          providing information on matters related to their official  
26          agency responsibilities and examining, analyzing, discussing and  
27          clarifying the information offered, and at which no official  
28          business is conducted.

29          Section 2. Section 9(a) of the act is amended to read:

30          Section 9. Public notice.

1 (a) Meetings.--An agency shall give public notice of its  
2 first regular meeting of each calendar or fiscal year not less  
3 than three days in advance of the meeting and shall give public  
4 notice of the schedule of its remaining regular meetings. An  
5 agency shall give public notice of each special meeting, each  
6 work session or each rescheduled regular or special meeting at  
7 least 24 hours in advance of the time of the convening of the  
8 meeting specified in the notice. Public notice is not required  
9 in the case of an emergency meeting or a conference.

10 Professional licensing boards within the Bureau of Professional  
11 and Occupational Affairs of the Department of State of the  
12 Commonwealth shall include in the public notice each matter  
13 involving a proposal to revoke, suspend or restrict a license.

14 \* \* \*

15 Section 3. Section 10.1(a) and (d) of the act, added June  
16 15, 1993 (P.L.95, No.20), are amended to read:

17 Section 10.1. Public participation.

18 (a) General rule.--

19 (1) Except as provided in subsection (d), the board or  
20 council of a political subdivision or of an authority created  
21 by a political subdivision shall provide a reasonable  
22 opportunity at each advertised regular meeting and advertised  
23 special meeting for residents of the political subdivision or  
24 of the authority created by a political subdivision or for  
25 taxpayers of the political subdivision or of the authority  
26 created by a political subdivision or for both to comment on  
27 matters of concern, official action or deliberation which are  
28 or may be before the board or council.

29 (2) If the board or council determines that there is not  
30 sufficient time at a meeting for residents of the political

subdivision or of the authority created by a political subdivision or for taxpayers of the political subdivision or of the authority created by a political subdivision or for both to comment, the board or council may defer the comment period to the next regular meeting or to a special meeting occurring in advance of the next regular meeting.

(a.1) Request for comment period.--At any advertised regular meeting or advertised special meeting, any resident of the political subdivision or of the authority created by a political subdivision or any taxpayer of the political subdivision or of the authority created by a political subdivision shall be entitled to request the scheduling of a comment period at the next regular meeting or special meeting occurring in advance of the next regular meeting regarding any matter of concern, any official action or any deliberation which is or may be before the board or council and which is within the board's or council's jurisdiction. Except as provided in subsection (a)(2), the board or council shall comply with any such request.

\* \* \*

(d) [Exception.--] Exceptions.--

(1) The board or council of a political subdivision or of an authority created by a political subdivision which had, before January 1, 1993, established a practice or policy of holding special meetings solely for the purpose of public comment in advance of advertised regular meetings shall be exempt from the provisions of [subsection (a).] subsections (a) and (a.1).

(2) Work sessions conducted by the board or council of a political subdivision or of an authority created by a political subdivision shall be exempt from the provisions of

1     subsection (a).

2     Section 4.   This act shall take effect January 1, 1998.