
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 340 Session of
2015

INTRODUCED BY SACCONI, MAHONEY, CHRISTIANA, METCALFE AND
MCGINNIS, FEBRUARY 5, 2015

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 5, 2015

AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania
2 Consolidated Statutes, in open meetings, further providing
3 for definitions, for executive sessions and for penalties.

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

6 Section 1. The definition of "deliberation" in section 703
7 of Title 65 of the Pennsylvania Consolidated Statutes is amended
8 to read:

9 § 703. Definitions.

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

13 * * *

14 "Deliberation." The discussion of agency business held for
15 the purpose of making a decision. The term includes an
16 informational meeting or briefing that is required to be open to
17 the public.

18 * * *

1 Section 2. Section 708(a) and (b) of Title 65 are amended to
2 read:

3 § 708. Executive sessions.

4 (a) Purpose.--An agency may hold an executive session for
5 one or more of the following reasons:

6 (1) To discuss any matter [involving], as it pertains to
7 a specific individual prospective, current or former
8 employee, relating to the employment, appointment,
9 termination of employment, terms and conditions of
10 employment, evaluation of performance, promotion or
11 disciplining of [any] the specific individual prospective
12 [public officer or] employee or current [public officer or]
13 employee employed or appointed by the agency, or specific
14 individual former [public officer or] employee, provided,
15 however, that the individual employees [or appointees] whose
16 rights could be adversely affected may request, in writing,
17 that the matter or matters be discussed at an open meeting.
18 The agency's decision to discuss such matters in executive
19 session shall not serve to adversely affect the due process
20 rights granted by law, including those granted by Title 2
21 (relating to administrative law and procedure). The
22 provisions of this paragraph shall not apply to any meeting
23 involving the appointment or selection of any person to fill
24 a vacancy in any elected office. An agency shall discuss all
25 other agency business relating to the employment,
26 appointment, termination of employment, terms and conditions
27 of employment, evaluation of performance, promotion or
28 disciplining of employees of the agency at an open meeting
29 under section 704 (relating to open meetings).

30 (2) To hold information, strategy and negotiation

1 sessions related to the negotiation or arbitration of a
2 collective bargaining agreement or, in the absence of a
3 collective bargaining unit, related to labor relations and
4 arbitration.

5 (3) To consider the purchase or lease of real property
6 up to the time an option to purchase or lease the real
7 property is obtained or up to the time an agreement to
8 purchase or lease such property is obtained if the agreement
9 is obtained directly without an option.

10 (4) To consult with its attorney or other professional
11 advisor regarding information or strategy in connection with
12 litigation or with issues on which identifiable complaints
13 are expected to be filed.

14 (5) To review and discuss agency business which, if
15 conducted in public, would violate a lawful privilege or lead
16 to the disclosure of information or confidentiality protected
17 by law, including matters related to the initiation and
18 conduct of investigations of possible or certain violations
19 of the law and quasi-judicial deliberations.

20 (6) For duly constituted committees of a board or
21 council of trustees of a State-owned, State-aided or State-
22 related college or university or community college or of the
23 Board of Governors of the State System of Higher Education to
24 discuss matters of academic admission or standings.

25 (7) To review and discuss plans related to security and
26 emergency preparedness, including the physical security of
27 buildings, staff training, communication procedures, plans
28 for evacuation, lock-down or other safety measures,
29 coordination with police, fire and other safety agencies that
30 if disclosed would definitely jeopardize or threaten security

1 or preparedness. The cost of implementing a plan and all
2 information relating to the equipment to be purchased shall
3 be discussed at an open meeting under section 704.

4 (b) Procedure.--

5 (1) The executive session may be held during an open
6 meeting or at the conclusion of an open meeting or may be
7 announced for a future time. The reason for holding the
8 executive session must be announced at the open meeting
9 occurring immediately prior or subsequent to the executive
10 session. If the executive session is not announced for a
11 future specific time, members of the agency shall be notified
12 24 hours in advance of the time of the convening of the
13 meeting specifying the date, time, location and purpose of
14 the executive session.

15 (2) An agency holding an executive session under this
16 subsection shall make a verbatim audio or video recording of
17 the complete executive session and retain the recording for a
18 period of one year. Such recordings are not subject to public
19 inspection and copying under the act of February 14, 2008
20 (P.L.6, No.3), known as the Right-to-Know Law, except by
21 court order.

22 (3) Prior to holding an executive session on any matter,
23 the agency shall obtain advice from a solicitor or legal
24 counsel as to whether or not the matter may be discussed at
25 an executive session under the provisions of this section.

26 (4) In the absence of a solicitor, the person in charge
27 of running the meeting shall determine on the record whether
28 the information on the agenda needs to be discussed in an
29 executive session.

30 * * *

1 Section 3. Section 714 of Title 65 is amended to read:

2 § 714. Penalty.

3 (a) Fines and costs.--Any member of any agency who
4 participates in a meeting with the intent and purpose by that
5 member of violating this chapter commits a summary offense for a
6 first offense and a misdemeanor of the third degree for a second
7 or subsequent offense and shall, upon conviction, be sentenced
8 to pay:

9 (1) For a first offense, in addition to any other
10 penalty authorized by law, the costs of prosecution plus a
11 fine of at least \$100 and, in the discretion of the
12 sentencing authority, of not more than \$1,000.

13 (2) For a second or subsequent offense, the costs of
14 prosecution plus a fine of at least \$500 and, in the
15 discretion of the sentencing authority, of not more than
16 \$2,000.

17 (b) Payment.--An agency shall not make a payment on behalf
18 of or reimburse a member of an agency for a fine or cost
19 resulting from the member's violation of this section.

20 (c) Immunity.--Any member of an agency shall be immune from
21 civil and criminal liability, costs and fees for violations of
22 this chapter if the member makes a good faith report, verbally
23 or in writing, to the appropriate authority of a violation of
24 this chapter.

25 Section 4. This act shall take effect in 60 days.