

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1155 Session of 2015

INTRODUCED BY CHRISTIANA, KILLION, MURT, CUTLER, RAPP, COHEN, MALONEY, KNOWLES, HELM, MOUL AND MILNE, MAY 6, 2015

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 28, 2016

AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania
2 Consolidated Statutes, in open meetings, further providing
3 for public notice; and providing for notification of agency
4 business required AND EXCEPTIONS. <--

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

7 Section 1. Section 709 of Title 65 of the Pennsylvania
8 Consolidated Statutes is amended by adding a subsection to read:
9 § 709. Public notice.

10 * * *

11 (c.1) Notification of agency business to be considered.--In
12 addition to any public notice required under this section, an
13 agency shall provide the following notification of agency
14 business to be considered at a public AN OPEN meeting as <--
15 follows:

16 (1) The IF THE AGENCY HAS A PUBLICLY ACCESSIBLE INTERNET <--
17 WEBSITE, THE agency shall post the agenda, which includes a
18 listing of each matter of agency business that will be or may

1 be the subject of deliberation or official action at the
2 meeting, on ~~its publicly accessible Internet~~ THE website no <--
3 later than 24 hours in advance of the time of the convening
4 of the meeting.

5 (2) The agency shall post the agenda, which includes a
6 listing of each matter of agency business that will be or may
7 be the subject of deliberation or official action at the
8 meeting, at the location of the meeting.

9 (3) The agency shall make available to individuals in
10 attendance at the meeting copies of the agenda, which include
11 a listing of each matter of agency business that will be or
12 may be the subject of deliberation or official action at the
13 meeting.

14 * * *

15 Section 2. Title 65 is amended by adding a section to read:

16 § 712.1. Notification of agency business required AND <--

17 EXCEPTIONS.

18 (a) Official action.--Except as provided in subsection (b),
19 (C) OR (D), an agency may not take official action on a matter <--
20 of agency business at a meeting if the matter was not included
21 in the notification required under section 709(c.1) (relating to
22 public notice).

23 (b) Emergency business.--An agency may take official action
24 AT A REGULARLY SCHEDULED MEETING OR AN EMERGENCY MEETING on a <--
25 matter of agency business relating to a real or potential
26 emergency involving a clear and present danger to life or
27 property at an emergency meeting regardless of whether public <--
28 notice was given for the meeting.

29 (C) BUSINESS ARISING WITHIN 24 HOURS BEFORE MEETING.--AN <--
30 AGENCY MAY TAKE OFFICIAL ACTION ON A MATTER OF AGENCY BUSINESS

1 THAT IS NOT LISTED ON A MEETING AGENDA IF:

2 (1) THE MATTER ARISES OR IS BROUGHT TO THE ATTENTION OF
3 THE AGENCY WITHIN THE 24-HOUR PERIOD PRIOR TO THE MEETING;

4 AND

5 (2) THE MATTER IS DE MINIMIS IN NATURE AND DOES NOT
6 INVOLVE THE EXPENDITURE OF FUNDS OR ENTERING INTO A CONTRACT
7 OR AGREEMENT BY THE AGENCY.

8 (D) BUSINESS ARISING DURING MEETING.--IF, DURING THE CONDUCT
9 OF A MEETING, A RESIDENT OR TAXPAYER BRINGS A MATTER OF AGENCY
10 BUSINESS THAT IS NOT LISTED ON THE MEETING AGENDA TO THE
11 ATTENTION OF THE AGENCY, THE AGENCY MAY TAKE OFFICIAL ACTION TO
12 REFER THE MATTER TO STAFF, IF APPLICABLE, FOR THE PURPOSE OF
13 RESEARCHING THE MATTER FOR INCLUSION ON THE AGENDA OF A FUTURE
14 MEETING OR, IF THE MATTER IS DE MINIMIS IN NATURE AND DOES NOT
15 INVOLVE THE EXPENDITURE OF FUNDS OR ENTERING INTO A CONTRACT OR
16 AGREEMENT, THE AGENCY MAY TAKE OFFICIAL ACTION ON THE MATTER.

17 Section 3. This act shall take effect in 60 days.