

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 794 Session of
2021

INTRODUCED BY COMMITTEE, HUGHES, FONTANA, SCHWANK, COSTA AND
TARTAGLIONE, JULY 7, 2021

REFERRED TO LOCAL GOVERNMENT, JULY 7, 2021

AN ACT

1 Amending Title 8 (Boroughs and Incorporated Towns) of the
2 Pennsylvania Consolidated Statutes, in powers and duties of
3 elected officials, further providing for organization of
4 council, quorum, participation by telecommunication device,
5 voting, compensation and eligibility.

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

8 Section 1. Section 1001(b) and (c) of Title 8 of the
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 1001. Organization of council, quorum, participation by
11 telecommunication device, voting, compensation and
12 eligibility.

13 * * *

14 (b) Quorum.--A majority of the membership of council then in
15 office shall constitute a quorum. [Except as provided in
16 subsection (c), only council members physically present at a
17 meeting place within the borough shall be counted in
18 establishing a quorum.]

19 (c) Telecommunication.--Council may provide for the

1 participation of council members and the public in council
2 meetings by means of telecommunication devices, such as
3 telephones or computer terminals, which permit, at a minimum,
4 audio communication between locations.[, if the following apply:

5 (1) A majority of the membership of council then in
6 office is physically present at the advertised meeting place
7 within the borough and a quorum is established at the
8 convening or reconvening of the meeting. If, after the
9 convening or reconvening of a meeting, a member has been
10 disqualified from voting as a matter of law, but is still
11 physically present, council members participating by
12 telecommunication device in accordance with this section
13 shall be counted to maintain a quorum.

14 (2) The telecommunication device used permits the member
15 or members of council not physically present at the meeting
16 to:

17 (i) speak to and hear the comments and votes, if
18 any, of the members of council who are physically
19 present, as well as other members of council who may not
20 be physically present and are also using a
21 telecommunication device to participate in the meeting;
22 and

23 (ii) speak to and hear the comments of the public
24 who are physically present at the meeting.

25 (3) The telecommunication device used permits the
26 members of council and the members of the public who are
27 physically present at the meeting to speak to and hear the
28 comments and the vote, if any, of the member or members of
29 council who are not physically present at the meeting.

30 (4) Physical absence of a council member. Council may

1 only authorize participation by telecommunication device for
2 one or more of the following reasons:

3 (i) illness or disability of the member of council;

4 (ii) care for the ill or newborn in the member's
5 immediate family;

6 (iii) emergency; and

7 (iv) family or business travel.

8 (5) Nothing in this subsection shall be construed to
9 limit the protections and prohibitions contained in any law
10 or regulation relating to the rights of the disabled.]

11 * * *

12 Section 2. This act shall take effect in 60 days.