

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1069 Session of 2019

INTRODUCED BY BERNSTINE AND SIMMONS, APRIL 5, 2019

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 19, 2019

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 an open meeting as follows:

15 (1) If the agency has a publicly accessible Internet
16 website, the agency shall post the agenda, which includes a
17 listing of each matter of agency business that will be or may
18 be the subject of deliberation or official action at the
19 meeting, on the website no later than 24 hours in advance of

1 the time of the convening of the meeting.

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

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

11 * * *

12 Section 2. Title 65 is amended by adding a section to read:
13 § 712.1. Notification of agency business required and
14 exceptions.

15 (a) Official action.--Except as provided in subsection (b),
16 (c) ~~or~~, (d) OR (E), an agency may not take official action on a <--
17 matter of agency business at a meeting if the matter was not
18 included in the notification required under section 709(c.1)
19 (relating to public notice).

20 (b) Emergency business.--An agency may take official action
21 at a regularly scheduled meeting or an emergency meeting on a
22 matter of agency business relating to a real or potential
23 emergency involving a clear and present danger to life or
24 property regardless of whether public notice was given for the
25 meeting.

26 (c) Business arising within 24 hours before meeting.--An
27 agency may take official action on a matter of agency business
28 that is not listed on a meeting agenda if:

29 (1) the matter arises or is brought to the attention of
30 the agency within the 24-hour period prior to the meeting;

1 and

2 (2) the matter is de minimis in nature and does not
3 involve the expenditure of funds or entering into a contract
4 or agreement by the agency.

5 (d) Business arising during meeting.--If, during the conduct
6 of a meeting, a resident or taxpayer brings a matter of agency
7 business that is not listed on the meeting agenda to the
8 attention of the agency, the agency may take official action to
9 refer the matter to staff, if applicable, for the purpose of
10 researching the matter for inclusion on the agenda of a future
11 meeting, or, if the matter is de minimis in nature and does not
12 involve the expenditure of funds or entering into a contract or
13 agreement, the agency may take official action on the matter.

14 (E) CHANGES TO AGENDA.--UPON MAJORITY VOTE OF THE <--
15 INDIVIDUALS PRESENT AND VOTING DURING THE CONDUCT OF A MEETING,
16 AN AGENCY MAY MAKE CHANGES TO THE AGENDA. THE REASONS FOR THE
17 CHANGES TO THE AGENDA SHALL BE ANNOUNCED AT THE MEETING BEFORE
18 ANY VOTE IS CONDUCTED TO MAKE THE CHANGES TO THE AGENDA.

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