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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1069 Session of  
2019

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INTRODUCED BY BERNSTINE AND SIMMONS, APRIL 5, 2019

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 5, 2019

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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), an agency may not take official action on a matter  
17 of agency business at a meeting if the matter was not included  
18 in the notification required under section 709(c.1) (relating to  
19 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 Section 3. This act shall take effect in 60 days.