

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 2428 Session of  
2022

---

INTRODUCED BY KNOWLES, JAMES, FREEMAN AND SAPPEY, MARCH 16, 2022

---

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 16, 2022

---

AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania  
2 Consolidated Statutes, in open meetings, further providing  
3 for definitions, for minutes of meetings, public records and  
4 recording of meetings, for public participation and for use  
5 of equipment during meetings.

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

8 Section 1. The definition of "public notice" in section 703  
9 of Title 65 of the Pennsylvania Consolidated Statutes is amended  
10 and the section is amended by adding a definition to read:

11 § 703. Definitions.

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

15 \* \* \*

16 "Authorized telecommunications device." A device which  
17 permits, at a minimum, audio communication between individuals.

18 \* \* \*

19 "Public notice."

20 (1) For a meeting:

1 (i) Publication of notice of the place, date [and],  
2 time, method of broadcast and acceptance of remote public  
3 comment, if applicable, of a meeting in a newspaper of  
4 general circulation, as defined by 45 Pa.C.S. § 101  
5 (relating to definitions), which is published and  
6 circulated in the political subdivision where the meeting  
7 will be held, or in a newspaper of general circulation  
8 which has a bona fide paid circulation in the political  
9 subdivision equal to or greater than any newspaper  
10 published in the political subdivision.

11 (ii) Posting a notice of the place, date [and],  
12 time, method of broadcast and acceptance of remote public  
13 comment, if applicable, of a meeting prominently at the  
14 principal office of the agency holding the meeting or at  
15 the public building in which the meeting is to be held.

16 (iii) Giving notice to parties under section 709(c)  
17 (relating to public notice).

18 (2) For a recessed or reconvened meeting:

19 (i) Posting a notice of the place, date [and], time,  
20 method of broadcast and acceptance of remote public  
21 comment, if applicable, of the meeting prominently at the  
22 principal office of the agency holding the meeting or at  
23 the public building in which the meeting is to be held.

24 (ii) Giving notice to parties under section 709(c).

25 \* \* \*

26 Section 2. Section 706 of Title 65 is amended by adding a  
27 paragraph to read:

28 § 706. Minutes of meetings, public records and recording of  
29 meetings.

30 Written minutes shall be kept of all open meetings of

1 agencies. The minutes shall include:

2 \* \* \*

3 (5) A statement disclosing the availability of a  
4 broadcast of a meeting and the acceptance of remote public  
5 comment, if applicable. If a recording of the meeting is  
6 available on an Internet website, the statement shall include  
7 the web address or uniform resource locator to the recording  
8 of the meeting.

9 Section 3. Sections 710.1 and 711 of Title 65 are amended by  
10 adding subsections to read:

11 § 710.1. Public participation.

12 \* \* \*

13 (e) Remote public comment.--If a board or council of a  
14 political subdivision or of an authority created by a political  
15 subdivision adopts rules for remote public comment under section  
16 711(d) (relating to use of equipment during meetings), in the  
17 event that remote public comment cannot be received by the  
18 manner advertised or by a contingency plan under section 711(d)  
19 (2), official action of a matter shall be postponed until the  
20 next advertised meeting.

21 § 711. Use of equipment during meetings.

22 \* \* \*

23 (c) Local broadcast rules.--

24 (1) A board or council of a political subdivision or of  
25 an authority created by a political subdivision may adopt  
26 rules governing the broadcast of a meeting.

27 (2) A board or council broadcasting a meeting using an  
28 Internet website, mobile application or social media platform  
29 shall broadcast the entire meeting except for an executive  
30 session.

1           (3) If a recording of a broadcast of a meeting is  
2 available for public access after the meeting, no portion of  
3 the broadcast may be omitted or muted from the recording.

4 (d) Remote public comment.--

5           (1) The board or council of a political subdivision or  
6 of an authority created by a political subdivision may adopt  
7 rules permitting the acceptance of remote public comment by  
8 the use of an authorized telecommunications device in  
9 addition to public comment at the physical location of the  
10 meeting under section 710.1 (relating to public  
11 participation).

12           (2) A rule under this subsection may include:

13           (i) A requirement that an individual seeking to  
14 offer public comment must demonstrate that the individual  
15 is entitled to offer public comment under section  
16 710.1(a).

17           (ii) A process to allow an individual seeking to be  
18 recognized for remote public comment to be placed on a  
19 list or in a virtual queue.

20           (iii) A contingency plan to allow remote public  
21 comment to be received during a meeting by telephone  
22 audible throughout the meeting location by amplification  
23 only if:

24           (A) the advertised authorized telecommunications  
25 device is unable to be utilized by the political  
26 subdivision or authority during the meeting because  
27 of an Internet service outage or other technological  
28 failure impacting the device's operation at the  
29 meeting location; and

30           (B) a notice placed on the posted meeting agenda

1           provides contact information for the telephone.

2           (3) Nothing in this section shall be construed to  
3           authorize the acceptance of written comments through a social  
4           media platform, email or web platform as a substitute for  
5           public comment under section 710.1.

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