

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1130 Session of 2022

INTRODUCED BY DUSH, HUTCHINSON, J. WARD, SCHWANK AND KEARNEY, MARCH 9, 2022

SENATOR ARGALL, STATE GOVERNMENT, AS AMENDED, JUNE 28, 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 NOTICE, for public
5 participation and for use 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 DEFINITIONS to <--
11 read:

12 § 703. Definitions.

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

16 \* \* \*

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

19 "BROADCAST." THE TRANSMISSION OF A MEETING VIA RADIO, <--

1 TELEVISION, TELECOMMUNICATIONS, INTERNET WEBSITE OR ANY OTHER  
2 ELECTRONIC MEANS, WHICH IS INTENDED TO BE RECEIVED BY OR  
3 AVAILABLE TO THE PUBLIC. THE TERM SHALL NOT INCLUDE THE  
4 RECORDING OF A MEETING.

5 \* \* \*

6 "Public notice."

7 (1) For a meeting:

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

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

23 (iii) Giving notice to parties under section 709(c)  
24 (relating to public notice).

25 (2) For a recessed or reconvened meeting:

26 (i) Posting a notice of the place, date [and], ~~time~~ ~~method of broadcast and acceptance of remote public~~ ~~comment, if applicable,~~   
27 ~~comment, if applicable,~~ of the meeting prominently at the  
28 principal office of the agency holding the meeting or at  
29 the public building in which the meeting is to be held.  
30

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

2 \* \* \*

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

5 § 706. Minutes of meetings, public records and recording of  
6 meetings.

7 Written minutes shall be kept of all open meetings of  
8 agencies. The minutes shall include:

9 \* \* \*

10 (5) A statement disclosing the availability of a  
11 broadcast of a meeting and the acceptance of remote public  
12 comment, if applicable. If a recording of the meeting is  
13 available on an Internet website, the statement shall include  
14 the web address or uniform resource locator to the recording  
15 of the meeting. AT THE TIME WHEN THE MINUTES OF THE MEETING <--  
16 ARE APPROVED.

17 SECTION 3. SECTION 709(C.1) (1) OF TITLE 65 IS AMENDED BY  
18 ADDING SUBPARAGRAPHS TO READ:

19 § 709. PUBLIC NOTICE.

20 \* \* \*

21 (C.1) NOTIFICATION OF AGENCY BUSINESS TO BE CONSIDERED.--

22 (1) IN ADDITION TO ANY PUBLIC NOTICE REQUIRED UNDER THIS  
23 SECTION, AN AGENCY SHALL PROVIDE THE FOLLOWING NOTIFICATION  
24 OF AGENCY BUSINESS TO BE CONSIDERED AT A MEETING AS FOLLOWS:

25 \* \* \*

26 (IV) IF THE AGENCY BROADCASTS THE MEETING, THE  
27 AGENDA SHALL INCLUDE INFORMATION ON THE METHOD OF  
28 BROADCAST.

29 (V) IF THE AGENCY ADOPTS RULES FOR REMOTE PUBLIC  
30 COMMENT UNDER SECTION 711(D) (RELATING TO USE OF

1 EQUIPMENT DURING MEETINGS), THE AGENDA SHALL INCLUDE  
2 INFORMATION ON WHERE THE RULES FOR REMOTE PUBLIC COMMENT  
3 CAN BE ACCESSED.

4 \* \* \*

5 Section ~~3~~ 4. Sections 710.1 and 711 of Title 65 are amended <--  
6 by adding subsections to read:

7 § 710.1. Public participation.

8 \* \* \*

9 (e) Remote public comment.--If a board or council of a  
10 political subdivision or of an authority created by a political  
11 subdivision adopts rules for remote public comment under section  
12 711(d) (relating to use of equipment during meetings), in the  
13 event that remote public comment cannot be received by the  
14 manner advertised or by a contingency plan under section 711(d)  
15 (2) DUE TO AN INTERNET SERVICE OUTAGE OR OTHER TECHNOLOGICAL <--  
16 FAILURE OF THE BOARD OR COUNCIL OF A POLITICAL SUBDIVISION OR OF  
17 THE AUTHORITY CREATED BY A POLITICAL SUBDIVISION, official  
18 action of a matter shall be postponed until the next advertised  
19 meeting.

20 § 711. Use of equipment during meetings.

21 \* \* \*

22 (c) Local broadcast rules.--

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

26 (2) ~~A board or council~~ EXCEPT AS PROVIDED UNDER <--  
27 PARAGRAPH (3), A BOARD OR COUNCIL OF A POLITICAL SUBDIVISION  
28 OR OF AN AUTHORITY CREATED BY A POLITICAL SUBDIVISION  
29 broadcasting a meeting using an Internet website, mobile  
30 application or social media platform shall broadcast the

1 entire meeting except for an executive session.

2 (3) If a recording of a broadcast of a meeting is  
3 available for public access after the meeting, no portion of  
4 the broadcast may be omitted or muted from the recording-, <--  
5 EXCEPT TO EXCLUDE CONTENT THAT IS NOT PROTECTED BY THE FIRST  
6 AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES, OR THAT  
7 MAY EXPOSE THE BOARD OR COUNCIL TO LEGAL LIABILITY. THE  
8 PUBLIC ACCESS TO THE RECORDING SHALL CONTAIN A NOTATION THAT  
9 THE RECORDING HAS BEEN EDITED AND THE BOARD OR COUNCIL SHALL  
10 RETAIN AN ARCHIVED COPY OF THE UNEDITED RECORDING FOR NO LESS  
11 THAN ONE YEAR FOLLOWING THE DATE OF THE MEETING.

12 (d) Remote public comment.--

13 (1) The board or council of a political subdivision or  
14 of an authority created by a political subdivision may adopt  
15 rules permitting the acceptance of remote public comment by  
16 the use of an authorized telecommunications device in- <--  
17 addition to public comment at the physical location of the  
18 meeting under section 710.1 (relating to public  
19 participation)--. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED <--  
20 TO AUTHORIZE THE BOARD OR COUNCIL HOLDING A MEETING AT A  
21 PHYSICAL LOCATION TO EXCLUDE PUBLIC PARTICIPATION UNDER  
22 SECTION 710.1 AT THE PHYSICAL LOCATION OF THE MEETING.

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

24 (i) A requirement that an individual seeking to  
25 offer public comment must demonstrate that the individual  
26 is entitled to offer public comment under section  
27 710.1(a).

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

1           (iii) A contingency plan to allow remote public  
2           comment to be received during a meeting by telephone  
3           audible throughout the meeting location by amplification  
4           only if:

5                   (A) the advertised authorized telecommunications  
6                   device is unable to be utilized by the political  
7                   subdivision or authority during the meeting because  
8                   of an Internet service outage or other technological  
9                   failure impacting the device's operation at the  
10                   meeting location; and

11                   (B) a notice placed on the posted meeting agenda  
12                   provides contact information for the telephone.

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

17           (4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO           <--  
18           REQUIRE A BOARD OR COUNCIL OF A POLITICAL SUBDIVISION OR OF  
19           AN AUTHORITY CREATED BY A POLITICAL SUBDIVISION TO ACCEPT  
20           REMOTE PUBLIC COMMENT AS PART OF THE LOCAL BROADCAST RULES  
21           UNDER SUBSECTION (C).

22           Section 4 5. This act shall take effect in 60 days.           <--