

## No. 175

## AN ACT

## HB 124

Requiring public agencies to hold certain meetings and hearings open to the public and providing penalties.

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

Section 1. As used in this act:

“Agency” means any branch, department, board, authority or commission of the Commonwealth of Pennsylvania, any political subdivision of the Commonwealth, or any State, municipal, township or school authority, school board, school governing body, commission, the board of trustees of all State-aided colleges and universities, the board of trustees of all State-owned and State-related colleges and universities and all community colleges, or similar organization created by or pursuant to a statute which declares in substance that the organization performs or has for its purpose the performance of an essential governmental function: Provided, That the term “agency” shall include the General Assembly, or any State department, board, authority or commission to include the Governor’s cabinet when meeting on official policy making business.

“Formal action” means the taking of any vote on any resolution, rule, order, motion, regulation or ordinance or the setting of any official policy. Meetings, pre-trial conferences, hearings, and formal action by the judiciary or judicial branch shall not be subject to the provisions of this act.

Section 2. The meetings or hearings of every agency at which formal action is scheduled or taken are public meetings and shall be open to the public at all times. No formal action shall be valid unless such formal action is taken during a public meeting.

Section 3. No public meeting of any agency shall be adjourned, begun, recessed or interrupted in any way for the purpose of an executive session except as hereinafter provided. An executive session may be held during the course of a properly constituted public meeting upon notification to the public present by the presiding officer that for a period not to exceed thirty minutes the meeting will be in recess for the purpose of:

(1) Considering dismissal or disciplining of, or hearing complaints or charges brought against a public elected officer, employee, or other public agent unless such person requests a public hearing.

(2) Considering actions of the deliberating body with respect to labor negotiations.

Section 4. The minutes of a public meeting of an agency shall be taken and promptly recorded and shall be a public record under and subject to the act of June 21, 1957 (P.L.390, No.212), entitled "An act requiring certain records of the Commonwealth and its political subdivisions and of certain authorities and other agencies performing essential governmental functions, to be open for examination and inspection by citizens of the Commonwealth of Pennsylvania; authorizing such citizens under certain conditions to make extracts, copies, photographs or photostats of such records; and providing for appeals to the courts of common pleas."

Section 5. (a) Every agency shall hold all public meetings at specified times and places of which public notice shall be given.

(b) Public notice of the schedule of regular meetings shall be given once for each calendar or fiscal year, and shall show the regular dates and times for meetings and the place at which meetings are held. Public notice of each special meeting or hearing and of each rescheduled regular or special meeting or hearing shall be given of the date, time and place of each meeting as the case may be. Public notice shall be given (i) by publishing the notice once in a newspaper of general circulation, as defined by the act of May 16, 1929 (P.L.1784, No.587), known as the "Newspaper Advertising Act," which is published and circulated in the political subdivision where the meeting or hearing will be held, or such newspaper of general circulation which has a bona fide paid circulation equal to or greater than any newspaper published in the said political subdivision; (ii) and by posting a copy of the notice prominently at the principal office of the agency holding the meeting or at the public building in which the meeting is to be held.

(c) Public notice shall be given at least three days prior to the time of the first regularly scheduled meeting in the case of regular meetings, and at least twenty-four hours prior to the time of the meeting in the case of special or rescheduled meetings or hearings.

(d) Publication in the legal periodical in the county shall not be required. The agency holding any meeting shall supply, on request, copies of the public notice thereof to any newspaper of general circulation in the political subdivision in which the meeting will be held and to any radio and television station which regularly broadcasts into the political subdivision.

(e) Sections 2 and 5 of this act shall not apply when an agency holds a meeting to deal with an actual emergency involving a clear and present danger to life or property. Members of such agency holding such meetings shall not be in violation of these sections when such meetings are held.

(f) "Giving public notice" shall include mailing notice of the time, place and date of a meeting provided the notified party supplies a stamped, self-addressed envelope prior to the meeting.

Section 6. Nothing in this act shall prohibit the agency from adopting by formal action such rules and regulations as necessary for the conduct of its meetings. Additionally, the members of the agency conducting the meeting may at the time of any disturbance which would render the ordinary conduct of the meeting unfeasible and when order cannot be restored, authorize the presiding officer, by majority vote, to enforce such rules and regulations to the extent necessary to restore order. Such rules and regulations shall not be made to violate the intent of this act.

Section 7. For the purpose of this act, meetings of the Legislature which are covered are as follows: all meetings of committees where bills are considered, all hearings where testimony is taken, all sessions of the House of Representatives and the Senate. Not included in the intent of this act are party caucuses.

Section 8. Any member of any agency who participates in a meeting or hearing knowing that it is being held or conducted in such a way to intentionally prevent an interested party from attending or with the intent and purpose of violating this act is guilty of a summary offense and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars (\$100) plus costs of prosecution.

Section 9. The Commonwealth Court shall have original jurisdiction of actions involving State agencies and the courts of common pleas shall have original jurisdiction of actions involving other agencies to render declaratory judgments or to enforce this act, by injunction or other remedy deemed appropriate by the court. The action may be brought by any person in the judicial district where such person resides or has his principal place of business, where the agency whose act is complained of is located or where the act complained of occurred.

Section 10. All acts and parts of acts are repealed in so far as they are inconsistent herewith, excepting those statutes which specifically provide for the confidentiality of information.

Section 11. This act shall take effect in sixty days.

APPROVED—The 19th day of July, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 175.



*Secretary of the Commonwealth.*