

OOR Announces Possible Changes to the RTKL and Sunshine Act

Articles, Right to Know Law Blog July 15, 2020

On July 15, 2020, the OOR stated the following in an email:

Two bills related to the Right-to-Know Law and one related to the Sunshine Act have been advancing in the General Assembly.

House Bill 1780 would clarify that volunteer emergency response units (such as volunteer fire companies and volunteer EMS units) are not directly covered by the RTKL. In cases where a volunteer emergency response unit has a contract with an agency, Section 506(d) — which requires agencies to obtain certain records from contractors — would apply.

House Bill 2463 addresses access to public records of Commonwealth agencies [but not local agencies] during a disaster declaration.

House Bill 1069 would amend the Sunshine Act to require that agencies to post an agenda online (if they maintain a website) at least 24 hours in advance of a meeting. The agenda would also be required to be posted at the agency's main office and at the location of the meeting (which will often be the same).

All three bills have been approved by the House and were approved by the Senate State Government Committee earlier this week. They are now before the full Senate for consideration.

House Bill 1069 would have the biggest impact on local agencies (e.g., school districts and municipalities). If it becomes law, a new Section 712.1 of the Sunshine Act will prohibit official action on any item not included on the posted agenda, unless: 1) there is an emergency; 2) a *de minimis* issue that does not involve the expenditure of funds arises within 24 hours of the meeting; 3) a resident raises an issue at the meeting (the governing body can either direct the staff to research the matter for inclusion on a future agenda or, if *de minimis* and does not involve the expenditure of funds, take official action); or 4) the governing body votes to amend the agenda to add a matter of agency business (the amended agenda must be posted the following day).

We will continue to monitor these bills and provide updated guidance if any of them become law. If you have any questions or comments, please do not hesitate to contact Chris Voltz or any of the other Municipal and School Attorneys at Tucker Arensberg, P.C.