



PA Sunshine Act

or PA Title 65 Pa. C.S. §§ 701 - 716.

and

Stevens Amendment

or § 632 of Title VI, General Provisions
of the Consolidated Appropriations
Act, 2023

Oversight Services
February 2024





PA Sunshine Act

“I’m very careful in the sunshine.”
– Cheryl Ladd





Purpose of the PA Sunshine Act

§ 701. Short title of chapter.

- This chapter shall be known and may be cited as the Sunshine Act.

§ 702. Legislative findings and declaration.

- (a) Findings.--The General Assembly finds that the right of the public to be present at all meetings of agencies and to witness the deliberation, policy formulation and decision making of agencies is vital to the enhancement and proper functioning of the democratic process and that secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society.
- (b) Declarations.--The General Assembly hereby declares it to be the public policy of this Commonwealth to ensure the right of its citizens to have notice of and the right to attend all meetings of agencies at which any agency business is discussed or acted upon as provided in this chapter.





PA Sunshine Act Definitions

(Not an all-inclusive list)

§ 703. Definitions.

- **Administrative action:** The execution of policies relating to persons or things as previously authorized or required by official action of the agency adopted at an open meeting of the agency. *The term does not, however, include the deliberation of agency business.*
- **Agency business:** The framing, preparation, making or enactment of laws, policy or regulations, the creation of liability by contract or otherwise or the adjudication of rights, duties and responsibilities, but not including administrative action.
- **Deliberation:** The discussion of agency business held for the purpose of making a decision.
- **Emergency meeting:** A meeting called for the purpose of dealing with a real or potential emergency involving a clear and present danger to life or property.





PA Sunshine Act Definitions (cont.)

- **Executive session:** A meeting from which the public is excluded, although the agency may admit those persons necessary to carry out the purpose of the meeting.
- **Meeting:** Any prearranged gathering of an agency which is attended or participated in by a quorum of the members of an agency held for the purpose of deliberating agency business or taking official action.
- **Official action:**
 - (1) Recommendations made by an agency pursuant to statute, ordinance or executive order.
 - (2) The establishment of policy by an agency.
 - (3) The decisions on agency business made by an agency.
 - (4) The vote taken by any agency on any motion, proposal, resolution, rule, regulation, ordinance, report or order.





PA Sunshine Act Definitions (cont.)

- **Public notice:**

- (1) For a meeting:

- (i) Publication of notice of the place, date and time of a meeting in a newspaper of general circulation, as defined by 45 Pa.C.S. § 101 (relating to definitions), which is published and circulated in the political subdivision where the meeting will be held, or in a newspaper of general circulation which has a bona fide paid circulation in the political subdivision equal to or greater than any newspaper published in the political subdivision.
 - (ii) Posting a notice of the place, date and time of a meeting prominently at the principal office of the agency holding the meeting or at the public building in which the meeting is to be held.
 - (iii) Giving notice to parties under section 709(c) (relating to public notice).

- (2) For a recessed or reconvened meeting:

- (i) Posting a notice of the place, date and time of the meeting prominently at the principal office of the agency holding the meeting or at the public building in which the meeting is to be held.
 - (ii) Giving notice to parties under section 709(c).





PA Sunshine Act

§ 704. Open meetings.

- Official action and deliberations by a quorum of the members of an agency shall take place at a meeting open to the public unless closed under section 707 (relating to exceptions to open meetings), 708 (relating to executive sessions) or 712 (relating to General Assembly meetings covered).





PA Sunshine Act

§ 705. Recording of votes.

- In all meetings of agencies, the vote of each member who actually votes on any resolution, rule, order, regulation, ordinance or the setting of official policy must be publicly cast and, in the case of roll call votes, recorded.





PA Sunshine Act

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

- Written minutes shall be kept of all open meetings of agencies. The minutes shall include:
 - (1) The date, time and place of the meeting.
 - (2) The names of members present.
 - (3) The substance of all official actions and a record by individual member of the roll call votes taken.
 - (4) The names of all citizens who appeared officially and the subject of their testimony.





PA Sunshine Act

§ 707. Exceptions to open meetings.

- (a) Executive session.--An agency may hold an executive session under section 708 (relating to executive sessions).
- (b) Conference.--An agency is authorized to participate in a conference which need not be open to the public. Deliberation of agency business may not occur at a conference.
- (c) Certain working sessions.--Boards of auditors may conduct working sessions not open to the public for the purpose of examining, analyzing, discussing and deliberating the various accounts and records with respect to which such boards are responsible, so long as official action of a board with respect to such records and accounts is taken at a meeting open to the public and subject to the provisions of this chapter.





PA Sunshine Act

§ 708. Executive sessions.

- (a) Purpose.--An agency may hold an executive session for one or more of the following reasons:
 - (1) To discuss any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the agency, or former public officer or employee, provided, however, that the individual employees or appointees whose rights could be adversely affected may request, in writing, that the matter or matters be discussed at an open meeting. The agency's decision to discuss such matters in executive session shall not serve to adversely affect the due process rights granted by law, including those granted by Title 2 (relating to administrative law and procedure). The provisions of this paragraph shall not apply to any meeting involving the appointment or selection of any person to fill a vacancy in any elected office.





PA Sunshine Act

§ 708. Executive sessions. (continued)

- (a) Purpose. (continued)
 - (2) To hold information, strategy and negotiation sessions related to the negotiation or arbitration of a collective bargaining agreement or, in the absence of a collective bargaining unit, related to labor relations and arbitration.
 - (3) To consider the purchase or lease of real property up to the time an option to purchase or lease the real property is obtained or up to the time an agreement to purchase or lease such property is obtained if the agreement is obtained directly without an option.
 - (4) To consult with its attorney or other professional advisor regarding information or strategy in connection with litigation or with issues on which identifiable complaints are expected to be filed.





PA Sunshine Act

§ 708. Executive sessions. (continued)

- (a) Purpose. (continued)
 - (5) To review and discuss agency business which, if conducted in public, would violate a lawful privilege or lead to the disclosure of information or confidentiality protected by law, including matters related to the initiation and conduct of investigations of possible or certain violations of the law and quasi-judicial deliberations.
 - (6) For duly constituted committees of a board or council of trustees of a State-owned, State-aided or State-related college or university or community college or of the Board of Governors of the State System of Higher Education to discuss matters of academic admission or standings.





PA Sunshine Act

§ 708. Executive sessions. (continued)

- (a) Purpose. (continued)
 - (7) To discuss, plan or review matters and records that are deemed necessary for emergency preparedness, protection of public safety and security of all property in a manner that if disclosed would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection.





PA Sunshine Act

§ 708. Executive sessions. (continued)

- (b) Procedure.
 - May be held during or at the conclusion of an open meeting or at a future time.
 - The reason for the executive session must be announced at the open meeting.
 - If not announced for a future specific time, members shall be notified 24 hours in advance specifying the date, time, location and purpose.
- (c) Limitation.
 - Official action on discussions held pursuant to subsection (a) shall be taken at an open meeting.
 - Nothing in this section or section 707 (relating to exceptions to open meetings) shall be construed to require that any meeting be closed to the public, nor shall any executive session be used as a subterfuge to defeat the purposes of section 704 (relating to open meetings).





PA Sunshine Act

§ 709. Public notice.

- (a) Meetings.--An agency shall give public notice of its first regular meeting of each calendar or fiscal year not less than three days in advance of the meeting and shall give public notice of the schedule of its remaining regular meetings. An agency shall give public notice of each special meeting or each rescheduled regular or special meeting at least 24 hours in advance of the time of the convening of the meeting specified in the notice. Public notice is not required in the case of an emergency meeting or a conference. Professional licensing boards within the Bureau of Professional and Occupational Affairs of the Department of State of the Commonwealth shall include in the public notice each matter involving a proposal to revoke, suspend or restrict a license.





PA Sunshine Act

§ 709. Public notice. (continued)

- (b) Notice.--With respect to any provision of this chapter that requires public notice to be given by a certain date, the agency, to satisfy its legal obligation, must give the notice in time to allow it to be published or circulated within the political subdivision where the principal office of the agency is located or the meeting will occur before the date of the specified meeting.
- (c) Copies.--In addition to the public notice required by this section, the agency holding a meeting shall supply, upon request, copies of the public notice thereof to any newspaper of general circulation in the political subdivision in which the meeting will be held, to any radio or television station which regularly broadcasts into the political subdivision and to any interested parties if the newspaper, station or party provides the agency with a stamped, self-addressed envelope prior to the meeting.





PA Sunshine Act

§ 709. Public notice. (continued)

- (c.1) Notification of agency business to be considered.—
 - (1) In addition to any public notice required under this section, an agency shall provide the following notification of agency business to be considered at a meeting as follows:
 - (i) If the agency has a publicly accessible Internet website, the agency shall post the agenda, which includes a listing of each matter of agency business that will be or may be the subject of deliberation or official action at the meeting, on the website no later than 24 hours in advance of the time of the convening of the meeting.
 - (ii) The agency shall post the agenda, which includes a listing of each matter of agency business that will be or may be the subject of deliberation or official action at the meeting, at the location of the meeting and at the principal office of the agency.
 - (iii) The agency shall make available to individuals in attendance at the meeting copies of the agenda, which include a listing of each matter of agency business that will be or may be the subject of deliberation or official action at the meeting.





PA Sunshine Act

§ 710.1 Public participation.

- (a) General rule.--Except as provided in subsection (d), the board or council of a political subdivision or of an authority created by a political subdivision shall provide a reasonable opportunity at each advertised regular meeting and advertised special meeting for residents of the political subdivision or of the authority created by a political subdivision or for taxpayers of the political subdivision or of the authority created by a political subdivision or for both to comment on matters of concern, official action or deliberation which are or may be before the board or council prior to taking official action. The board or council has the option to accept all public comment at the beginning of the meeting. If the board or council determines that there is not sufficient time at a meeting for residents of the political subdivision or of the authority created by a political subdivision or for taxpayers of the political subdivision or of the authority created by a political subdivision or for both to comment, the board or council may defer the comment period to the next regular meeting or to a special meeting occurring in advance of the next regular meeting.



PA Sunshine Act

§ 710.1 Public participation. (continued)

- (b) Limitation on judicial relief.--If a board or council of a political subdivision or an authority created by a political subdivision has complied with the provisions of subsection (a), the judicial relief under section 713 (relating to business transacted at unauthorized meeting void) shall not be available on a specific action solely on the basis of lack of comment on that action.
- (c) Objection.--Any person has the right to raise an objection at any time to a perceived violation of this chapter at any meeting of a board or council of a political subdivision or an authority created by a political subdivision.
- (d) Exception.--The board or council of a political subdivision or of an authority created by a political subdivision which had, before January 1, 1993, established a practice or policy of holding special meetings solely for the purpose of public comment in advance of advertised regular meetings shall be exempt from the provisions of subsection (a).



PA Sunshine Act

§ 711. Use of equipment during meetings.

- (a) Recording devices.--Except as provided in subsection (b), a person attending a meeting of an agency shall have the right to use recording devices to record all the proceedings. Nothing in this section shall prohibit the agency from adopting and enforcing reasonable rules for their use under section 710 (relating to rules and regulations for conduct of meetings).
- (b) Rules of the Senate and House of Representatives.--The Senate and House of Representatives may adopt rules governing the recording or broadcast of their sessions and meetings and hearings of committees.





PA Sunshine Act

§ 712.1. Notification of agency business required and exceptions.

- (a) Official action.--Except as provided in subsection (b), (c), (d) or (e), an agency may not take official action on a matter of agency business at a meeting if the matter was not included in the notification required under section 709(c.1) (relating to public notice).
- (b) Emergency business.--An agency may take official action at a regularly scheduled meeting or an emergency meeting on a matter of agency business relating to a real or potential emergency involving a clear and present danger to life or property regardless of whether public notice was given for the meeting.
- (c) Business arising within 24 hours before meeting.--An agency may take official action on a matter of agency business that is not listed on a meeting agenda if:
 - (1) the matter arises or is brought to the attention of the agency within the 24-hour period prior to the meeting; and
 - (2) the matter is de minimis in nature and does not involve the expenditure of funds or entering into a contract or agreement by the agency.





PA Sunshine Act

§ 712.1. Notification of agency business required and exceptions. (continued)

- (d) Business arising during meeting.--If, during the conduct of a meeting, a resident or taxpayer brings a matter of agency business that is not listed on the meeting agenda to the attention of the agency, the agency may take official action to refer the matter to staff, if applicable, for the purpose of researching the matter for inclusion on the agenda of a future meeting, or, if the matter is de minimis in nature and does not involve the expenditure of funds or entering into a contract or agreement, the agency may take official action on the matter.





PA Sunshine Act

§ 712.1. Notification of agency business required and exceptions. (continued)

- (e) Changes to agenda.--
 - (1) Upon majority vote of the individuals present and voting during the conduct of a meeting, an agency may add a matter of agency business to the agenda. The reasons for the changes to the agenda shall be announced at the meeting before any vote is conducted to make the changes to the agenda. The agency may subsequently take official action on the matter added to the agenda. The agency shall post the amended agenda on the agency's publicly accessible Internet website, if available, and at the agency's principal office location no later than the first business day following the meeting at which the agenda was changed.
 - (2) This subsection shall not apply to a conference or a working session under section 707 (relating to exceptions to open meetings) or an executive session under section 708 (relating to executive sessions).





PA Sunshine Act

§ 713. Business transacted at unauthorized meeting void.

- A legal challenge under this chapter shall be filed within 30 days from the date of a meeting which is open, or within 30 days from the discovery of any action that occurred at a meeting which was not open at which this chapter was violated, provided that, in the case of a meeting which was not open, no legal challenge may be commenced more than one year from the date of said meeting. The court may enjoin any challenged action until a judicial determination of the legality of the meeting at which the action was adopted is reached. Should the court determine that the meeting did not meet the requirements of this chapter, it may in its discretion find that any or all official action taken at the meeting shall be invalid. Should the court determine that the meeting met the requirements of this chapter, all official action taken at the meeting shall be fully effective.





PA Sunshine Act

§ 714. Penalty.

- (a) Fines and costs.--Any member of any agency who participates in a meeting with the intent and purpose by that member of violating this chapter commits a summary offense and shall, upon conviction, be sentenced to pay:
 - (1) For a first offense, the costs of prosecution plus a fine of at least \$100 and, in the discretion of the sentencing authority, of not more than \$1,000.
 - (2) For a second or subsequent offense, the costs of prosecution plus a fine of at least \$500 and, in the discretion of the sentencing authority, of not more than \$2,000.
- (b) Payment.--An agency shall not make a payment on behalf of or reimburse a member of an agency for a fine or cost resulting from the member's violation of this section.





Questions On the Sunshine Act





Stevens Amendment





Stevens Amendment

What is the Stevens Amendment?

- Since 1989, the United States Department of Labor's (DOL) annual appropriation has included a provision known as the Stevens Amendment. Its purpose is to ensure transparency and accountability in federal spending. This provision requires the recipients of DOL grants and cooperative agreements to acknowledge federal funding when publicly discussing any projects or programs that DOL funded through its annual appropriation.
- For fiscal year 2023, this provision appeared in section 505 of division H of Public Law 117-328.





Stevens Amendment

Sec. 632. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, shall clearly state--

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.





Stevens Amendment

Common documents that require a Stevens Amendment disclosure:

- Bids for solicitations
- Blogs/vlogs
- Brochures
- E-mail blasts
- Manuals
- Press releases
- Promotional materials (e.g., fliers, advertisements)
- Requests for proposals (e.g., supplemental and continuation proposals)
- Resource guides
- Documents that include statements about programs or projects
- Toolkits
- Visual presentations (e.g., PowerPoint presentations)
- Websites





Stevens Amendment

Common types of documents encountered that lack a Stevens Amendment disclosure:

- Requests for Proposals (RFPs)
- LWDB and PA CareerLink® local area websites
- Outreach materials (posters, flyers, brochures, resource guides, etc.) advertising services available at PA CareerLink® offices.
- Marketing materials advertising PA CareerLink® services and programs
- Press releases and other public statements
- Social media posts referencing federally funded programs, services, grants, etc.
- Bid solicitations





Stevens Amendment

General form of a compliant Stevens Amendment disclosure statement:

- The *[project/program]* is supported by the *[federal agency]*. A total of \$*[amount]*, or *[percentage]* percent of *[project/program]* *[is/ will be]* financed with federal funds, and \$*[amount]*, or *[percentage]* percent *[is/will be]* funded by other sources.





Stevens Amendment

Examples of compliant Stevens Amendment disclosure statements:

- The WIOA Youth program is supported by the US Dept. of Labor. A total of \$150,000, or 100%, is financed with federal funds, and 0% funded by other sources.
- On the job training programs at the PA CareerLink® are 100% funded with WIOA funds from the US Dept. of Labor in a grant totaling \$1,234,000.00 and 0% non-federal funds.





Stevens Amendment

Common **non-compliant** Stevens Amendment disclosure statements:

- The WIOA program is funded with federal dollars through a grant from the PA Department of L&I.
- The WIOA Youth program is fully funded with federal funds.
- PA CareerLink® services are 100% funded with federal funds through a grant from the US Dept. of Labor.





Stevens Amendment

Frequent questions regarding disclosure statements:

Q: A bid solicitation cost is not known in advance. What amount should we use?

A: *Use the amount and percentage, as applicable, for the entire project or program.*

Q: Some social media platforms, like Twitter, have a limited number of characters. How can we include the disclosure statement?

A: *When it is not practical to put the disclosure statement within the electronic communication, a hyperlink to the statement is sufficient.*

Q: Is a statement needed on documents related to indirect funding, such as an RFP for payroll processing?

A: *No. A disclosure statement is only required for activities that further the goals of a federal project or program. Indirect activities do not directly further the goals of a federal project or program, even though they are ultimately funded federally.*



Stevens Amendment Additional Information

Answers to many of your additional questions about the Stevens Amendment can be found in USDOL's Q&A Desk Guide which can be found here:

<https://www.dol.gov/sites/dolgov/files/VETS/files/Stevens-Amendment-Desk-Aid.pdf>





Questions?

Thank you.

- Contact your assigned analyst
- RA-LI-BWDA-OS@pa.gov

