
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2118 Session of
2014

INTRODUCED BY DAY, BARRAR, DAVIS, V. BROWN, HELM, COHEN, BROOKS,
ROCK, MURT AND READSHAW, MARCH 20, 2014

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 20, 2014

AN ACT

1 Providing for the establishment of a legal notices and job
2 openings searchable public internet database, for obligations
3 of newspapers; and imposing related subscription fees.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Legal Notices
8 and Job Openings Database Act.

9 Section 2. Definitions.

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

13 "Department." The Office of Open Records within the
14 Department of Community and Economic Development of the
15 Commonwealth.

16 "Legal notice." Any notice, advertisement, publication,
17 statement or report, including an abstract thereof, required by
18 law or regulation to be published in a newspaper of general

1 circulation relating to any of the following:

2 (1) A meeting as defined in 65 Pa.C.S. § 703 (relating
3 to definitions) of the governing body of the local government
4 unit or its committees.

5 (2) An ordinance or resolution.

6 (3) A budget, auditor's report or financial statement.

7 (4) A contract, agreement, request for bids or proposals
8 or other documentation related to the procurement of
9 supplies, services or construction.

10 (5) A sale of real or personal property, including
11 property sold for municipal taxes or claims.

12 (6) A proceeding requiring public notice in accordance
13 with the act of July 31, 1968 (P.L.805, No.247), known as the
14 Pennsylvania Municipalities Planning Code.

15 (7) A proceeding requiring public notice in accordance
16 with applicable laws governing zoning or subdivision and land
17 development in municipalities not subject to the Pennsylvania
18 Municipalities Planning Code.

19 "Local government unit." A municipality, including a home
20 rule municipality, school district, municipal authority, zoning
21 hearing board or similar board or council of government or
22 similar intergovernmental cooperative entity.

23 "Municipality." Any city, borough, incorporated town,
24 township, county or agency thereof.

25 "Newspaper of general circulation." A newspaper issued
26 daily, or not less than once a week, intended for general
27 distribution and circulation and sold at fixed prices per copy
28 per week, per month or per annum, to subscribers and readers
29 without regard to business, trade, profession or class.

30 "PennWATCH." The public Internet website authorized by the

1 act of June 30, 2011 (P.L.81, No.18), known as the Pennsylvania
2 Web Accountability and Transparency (PennWATCH) Act.

3 Section 3. Internet website with searchable databases.

4 The department shall develop, implement and maintain
5 searchable public Internet databases, called Pennsylvania Public
6 Information Notice (PennPIN) and Pennsylvania Municipal Open
7 Position (PennMOP), linked to a searchable public Internet
8 website. The department may contract with a third party to
9 develop, implement or maintain the Internet website or
10 databases. The department may enter into an agreement with the
11 Governor's Office of Administration for PennPIN and PennMOP to
12 be linked to PennWATCH. If the databases are linked to
13 PennWATCH, the department shall continue to be responsible for
14 developing, implementing and maintaining the databases.

15 Section 4. Searchable PennPIN database.

16 (a) Development.--No later December 31, 2014, the department
17 shall develop, implement and maintain PennPIN. The Internet
18 website hosting PennPIN shall allow a local government unit to
19 post a legal notice. Information on the website shall include
20 all of the following:

21 (1) The name and address of the local government unit
22 electronically posting the legal notice.

23 (2) A counter to show the number of times the database
24 was accessed.

25 (b) Legal notices.--A local government unit located in this
26 Commonwealth shall be required to post a legal notice on the
27 Internet website hosting PennPIN. The local government unit may
28 post the legal notice on PennPIN in lieu of publishing the legal
29 notice in a newspaper of general circulation.

30 (c) Access.--The Internet website hosting PennPIN shall

1 allow members of the public to search for information on the
2 database at no charge. The Internet website's search function
3 shall allow a member of the public to query the database by all
4 of the following:

- 5 (1) Name of the local government unit.
- 6 (2) Subject matter.
- 7 (3) Date posted.
- 8 (4) Date of a meeting or hearing to be held.
- 9 (5) Another specified search term.

10 (d) Maintenance.--A posted legal notice shall remain on the
11 Internet website hosting PennPIN for a period of no less than
12 ten years from the date the legal notice was posted. After one
13 year from the date a legal notice was posted, the legal notice
14 may be filed in a searchable archived file accessible from the
15 Internet website.

16 Section 5. Searchable PennMOP database.

17 (a) Development.--No later than December 31, 2016, the
18 department shall develop, implement and maintain PennMOP. The
19 Internet website hosting PennMOP shall allow a local government
20 unit located in this Commonwealth to post a job opening with the
21 local government unit. The Internet website shall include a
22 counter to show the number of times the database was accessed.

23 (b) Job openings.--A local government unit located in this
24 Commonwealth shall post a job opening with the local government
25 unit on the Internet website hosting PennMOP. The posting shall
26 include all of the following:

- 27 (1) The job title.
- 28 (2) The date the job is available.
- 29 (3) The deadline for applying for the job.
- 30 (4) The required work experience.

- 1 (5) The required education.
- 2 (6) A brief description of the position.
- 3 (7) The salary or wage information and applicable
- 4 benefits.
- 5 (8) How to apply for the position.
- 6 (9) The name and contact information of the person to
- 7 whom inquiries may be directed.

8 Nothing in this section shall preclude a local government unit
9 from advertising a job opening in addition to the method
10 provided under this subsection.

11 (c) Filled position.--Within a reasonable time after filling
12 a job opening posted on the Internet website hosting PennMOP, a
13 local government unit shall post the date the position was
14 filled on the Internet website. As used in this subsection, the
15 term "filled" means the date when a local government unit's
16 offer of employment was accepted by an applicant to whom the
17 position was offered.

18 (d) Access.--The Internet website hosting PennMOP shall
19 allow a member of the public to search for job information at no
20 charge. The Internet website's search function shall allow a
21 member of the public to query the database by all of the
22 following.

- 23 (1) Name of the local government unit.
- 24 (2) Job title.
- 25 (3) Relevant date.
- 26 (4) Another specified search term.

27 (e) Maintenance.--A posted job opening shall remain on the
28 Internet website hosting PennMOP for a period of no less than
29 ten years from the date the position was filled. The Internet
30 website shall clearly differentiate between a job opening to be

1 filled and a job opening that has been filled. After one year
2 from the date a job opening is posted, the information posted
3 under subsection (b) may be filed in a searchable archived file
4 accessible from the Internet website.

5 Section 6. Administration.

6 (a) Requirement.--A local government unit shall cooperate
7 with the department in submitting or in uploading the data as
8 required under this act.

9 (b) Accuracy.--A local government unit shall be responsible
10 for verifying the accuracy and completeness of information
11 submitted or uploaded to the department as required under this
12 act.

13 Section 7. Funding and subscription fees.

14 (a) Initial funding.--Initial funding shall be provided by
15 the Commonwealth to the department in an amount sufficient for
16 the department to develop and implement PennPIN and PennMOP and
17 the Internet website to host the databases.

18 (b) Subscription fees.--

19 (1) In the first and second years of operation of the
20 PennPIN and PennMOP, a local government unit shall pay an
21 annual subscription fee to the department equal to the amount
22 the local government unit paid in legal advertising costs for
23 the calendar year prior to the operation of the databases.

24 (2) In the third and subsequent years of operation of
25 PennPIN and PennMOP, a local government unit shall pay a per-
26 unit cost for each legal notice or job opening posted by the
27 local government unit for the actual costs of operation and
28 maintenance of the databases and the hosting Internet
29 website. If the PennWATCH Internet website is hosting PennPIN
30 and PennMOP, the costs of operation and maintenance of the

1 PennWATCH database may not be included in the cost unless the
2 Governor's Office of Administration and the department agree
3 on an amount that fairly represents or reasonably estimates
4 the additional costs of hosting the databases. The respective
5 share that a local government unit shall pay to the
6 department shall be determined by dividing the collective
7 costs for the two prior calendar years plus 5% of the
8 collective costs, not to exceed the total amount of funds
9 generated by professional subscription fees in the prior two
10 calendar years, by the number of legal notices or job
11 openings posted to the databases in the prior two years to
12 calculate the per unit cost of each posting. The per unit
13 cost for each legal notice or job opening posted shall be
14 recalculated by the department in January of each year using
15 the costs and fees from the prior calendar year. The per unit
16 cost shall be published in the Pennsylvania Bulletin no later
17 than February 1 of each year and the new per unit cost shall
18 be effective upon publication.

19 (c) Professional subscription.--In the first and subsequent
20 years of operation of PennPIN and PennMOP, the department shall
21 allow an individual to subscribe to receive an automatic
22 electronic notice sent to an email address of the subscriber
23 when a posted legal notice or job opening meets the subscriber's
24 established criteria. The department shall establish a
25 reasonable subscription fee to be charged to a subscriber.

26 (d) Newspaper subscription.--In the first and subsequent
27 years of operation of PennPIN, the department shall establish a
28 reasonable fee to be charged to a newspaper of general
29 circulation in this Commonwealth for access to the database to
30 obtain the necessary information from the posted legal notices

1 in order to provide notice of required postings as required
2 under section 9(b).

3 Section 8. Vendor identification system.

4 The department shall establish a vendor identification system
5 to be used to provide a common designation of each local
6 government unit to facilitate accurate posting of legal notices
7 and billing by the department to the local government unit.

8 Section 9. Obligation of newspapers.

9 (a) Publish meetings.--As a condition of doing business in
10 this Commonwealth, a newspaper of general circulation in this
11 Commonwealth that identifies itself as materially important to
12 providing public information notices to the public shall post or
13 publish the date, time, location and general subject matter of a
14 meeting of a governing body of a local government unit or its
15 committees to be held by within the local distribution area of
16 the newspaper of general circulation. As used in this section,
17 the term "meeting" means any prearranged gathering of a
18 governing agency of a local government unit or its committees
19 which is attended or participated in by a quorum of the members
20 held for the purpose of deliberating business or taking official
21 action.

22 (b) Deadline.--A newspaper of general circulation required
23 to post or publish the information as provided in subsection (a)
24 shall:

25 (1) post the information either on the newspaper's
26 website no later than 24 hours after the information appears
27 on the website hosting PennPIN; or

28 (2) publish the information in the newspaper's next
29 regularly scheduled printed edition after the information is
30 posted on the Internet website.

1 Section 10. Report to General Assembly.

2 The department shall prepare an annual report containing
3 statistical information on the usage and performance of the
4 Internet website. The report shall contain frequency of user
5 access of the Internet website, types of data being accessed and
6 Internet website performance. The report shall be submitted to
7 the Majority Leader and the Minority Leader of the Senate and
8 the Majority Leader and the Minority Leader of the House of
9 Representatives by March 30 of each year beginning March 30,
10 2017.

11 Section 11. Effective date.

12 This act shall take effect as follows:

13 (1) Section 9 shall take effect January 1, 2015.

14 (2) The remainder of the act shall take effect
15 immediately.