



Pennsylvania Municipal League
President – Derek Green, Councilmember, City of Philadelphia



Pennsylvania State Association of Township Commissioners
President – Nathan Silcox, Commissioner, Hampden Township

House Local Government Committee
Testimony Regarding Public Notice Advertising Options -- House Bill 955
May 26, 2021

Prepared by: Amy Sturges, Director of Governmental Affairs
PML and PSATC

The PA Municipal League (The League) and the PA State Association of Township Commissioners (PSATC) are non-profit, non-partisan organizations collectively representing 180 urban and suburban member municipalities. Over four million Pennsylvanians live within our member communities. Together, the associations aim to strengthen, empower and advocate for effective local government at the grassroots, state and federal levels.

Local options for the advertisement of public notices is a long-standing legislative priority for both associations. Our current public notice law holds local government entities captive with only one option – print media. With each year that passes, however, the argument that print media must remain the only option, becomes less and less sustainable.

In 1976 when Chapter 3 was added to Title 45 (Legal Notices), the possibility of other methods of providing public notice were non-existent. Undeniably, there has been a dramatic shift since then in how people get their news and information. Print media's once unquestionable edge in providing access to the broadest audience simply no longer exists. The majority of people no longer subscribe to and read a local printed newspaper. As such, our local units of government

should not be held to utilizing an outdated tool. Today, the majority of people get their news on-line. According to the North Carolina Center for Innovation and Sustainability in Local Media, newspaper circulation in Pennsylvania decreased by 40% from 2004 to 2019. Pew Research reports 90% of households in Pennsylvania have a computer, smartphone or other device. And in 2018, the National Center for Education Statistics reported 85% of Pennsylvania households had access to the Internet. Clearly, the proliferation of the Internet and access to information on-line has changed how and when we get our news. Free on-line news and information is providing strong competition to print media. These trends support our ability to publish public notices on-line and still ensure an open and transparent government. In fact, The League participated in the Spring 2021 Omnibus Poll by Dr. Terry Madonna asking if Pennsylvanians favored publishing public notices in ways other than printed newspapers. Sixty-four percent of respondents favored other methods.

Our membership supports House Bill 955 which gives local governments seven options for advertising public notices. This legislation allows local governing bodies the flexibility to decide the most appropriate method or methods of advertising. Some of these options are: the status quo of a newspaper of general circulation in the local government or county; the local government unit's publicly accessible website; the publicly accessible website of a newspaper; and a locally circulated weekly paper distributed to all addresses within a government unit. Under the bill, any decision to change the method of advertisement must be publicly announced through a local resolution which must be advertised and officially adopted. Further, all notices must also be prominently posted at the principal office of the local government unit or its county.

A change in advertising methods should be a local decision. Local governing bodies are best able to determine the correct mix of advertising methods for not only the government unit, but its residents. The options in House Bill 955 would not be appropriate in all communities. For example, a municipality with no website would need to build that infrastructure before publishing notices on-line. Local government units that are more progressive and have invested in websites should not be held back. In fact, this legislation could be the impetus needed to get all local units of government on-line.

The League and PSATC are advocates for open, transparent government. It is of utmost importance that citizens are able to follow and participate in the activities of their government. This is especially true at the local level where government action has the most immediate impact on its citizens. We are *equal* advocates, however, for the use of innovation and flexibility in local government operations when it makes common sense and can save taxpayer dollars. Having options for the dissemination of public notices in 2021 makes common sense and will save taxpayer dollars. As I stated above, municipalities and their taxpayers are held captive by the mandate to use only print media as there is no competition on the cost of placing public notice advertisements. Additionally, as newspaper readership declines and circulation schedules are reduced, as is the case with the Patriot News and Pittsburgh Post-Gazette, local governments have difficulty timing ads in order to comply with the law under a reduced publication schedule. Missing the timing required for a public notice could result in legal issues for a local unit of government.

As the cost of doing business continually rises, local governments are always looking for new innovations that help them provide services and meet their legal obligations without passing costs on to taxpayers. The requirement that public notices must be placed in print newspapers is a costly and out of date mandate. In 2006, a Penn State School of Public Affairs study estimated the cost at \$26 million annually. Fifteen years later, the inflationary increase brings the cost to \$34.4 million. Naturally, the cost depends on the number of notices a municipality needs to place and the rates charged by the paper. As newspapers consolidate, a municipality may no longer be paying local rates, but rates set for a much larger region. A survey of our members this month indicated 2020 advertising costs ranged from \$3,500 to \$20,000

Arguments against any method other than print media do not hold the same weight they did even 5 years ago when as a society we continue to move on-line for many daily tasks. Tablets, smartphones and computers all help to make access easier and instantaneous. Internet access and reliable broadband will only continue to improve in the years to come. All citizens are adapting to the natural progression of doing business on-line – banking, telehealth, social media, and shopping are all examples. Accessing public notices on-line should be no exception.

In conclusion, all entities must change with the times. This includes newspapers and government. Print media has turned to the Internet as print readership declined. Local government must also be given the flexibility to evolve. We believe the options in House Bill 955 provide not only greater access for all Pennsylvanians, but are also more cost-effective. We are confident that open government can continue to be maintained with the integration of the public notification options in House Bill 955.

Thank you for the invitation to provide testimony on this important local government issue. I am available to answer any questions at asturges@pml.org.

Testimony before the
House Local Government Committee
May 19, 2011

On-line Publication of Notices

Pa League of Cities and Municipalities and
Pa State Association of Township Commissioners

Amy Sturges, Director of Governmental Affairs, PLCM and PSATC