

PENNSYLVANIA STATE ASSOCIATION OF BOROUGHES



*Statement on
Pa House Bill 955 (PN967)
“Modernizing Public Notices”
presented to
PA House Local Government
Committee
Wednesday, May 26, 2021*

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PSAB ON HOUSE BILL 955

Good morning Chairman Knowles and Chairman Freeman and members of the House local government committee. It is good to be here today to address the committee and I add, that it has been *too long* since I had the opportunity to meet with all of you here today. My name is Ed Troxell, and I serve our Commonwealth's 950+ borough communities as the Director of Government Affairs for the Pa State Association of Boroughs.

The PSAB is a non-partisan, non-profit public interest association serving borough government's elected and appointed officials. Our members include mayors, council members, managers, secretaries, and engineers which makes our task of representing their interests very broad to say the least. Having been established in 1911 and authorized in statute by the General Assembly our association acts as a intergovernmental voice and educational entity adding to the quality of life for over 1.6 million Pennsylvanians who reside in our communities.

Today, the committee has asked PSAB for its perspectives on **House Bill 955**, sponsored by Rep. Jason Ortity, which amends Title 45 (legal notices) of the Pa Consolidated Statutes regarding public notice advertising. Before looking at the bill I think it will serve the committee well in providing a little background from PSAB on its role regarding the issue of public notices/legal advertisements. Since 2001 PSAB has been exploring the ways to modernize and minimize the costs while increasing the availability of legal/public notices to Pennsylvania's boroughs and their residents. In these 20+ years we have supported, and our members have endorsed a variety of reform measures. In 2001 PSAB testified before the House Judiciary Committee on its HR 110 resolution to study the publication of legal notices, their costs and circulation. The advances and changes to public advertising and information overall have expanded exponentially. In May of 2006 The Penn State School of Public Affairs noted in its publication "*Cost Savings on Mandatory Legal Advertising by Local Governmental Entities*" that annual expenditures on local government legal advertising reached an estimated \$26 million. (In today's dollar that would be adjusted to \$34 million)

Since 2006 many other bills and proposals have been introduced yet have failed to move forward for fear of altering this constrained 20th century approach to public information sharing. As the internet has expanded outlets for information, notification and publication concepts that have been introduced in legislation sought to offer these options to local governments. PSAB members passed resolutions in 2013 and 2014 supporting models which broadened the options and outlets to which the public would more readily avail itself of vital public/legal notices and information. Yet, modernization seems to stumble each legislative session when it comes to Title 45, why is that?

We believe it is fair to say that it would take a monumental shift to accomplish these reforms and PSAB believes that shift has occurred demonstrating that public\legal notice changes are already indeed finding themselves as practice in a COVID-19 world. The pandemic, having compelled society to consider virtual options for the public good, has shown that there is no need to fear legislation like HB 955, but to embrace its potential as its virtual dynamic is indeed currently operating in the form of Act 15 of 2020. Among the other issues Title 35 (Health & Safety) addresses, Act 15 was enacted thereby enabling local government entities to utilize technologies allowing for virtual public meetings, public comment during those meetings, public notice of meetings, access to meeting minutes and even enabling the processes accorded to land development and permitting to operate. Furthermore, the act amended notary law turning that service upside down to deal with the legal requirements associated with document certification.

In light of all these evidences, PSAB overwhelmingly supports House Bill 955 and its companion measure in the PA Senate, Senate Bill 252. These measures offer multiple options for public advertising which the local government may select for which is most suitable for its constituency. There is still the ability to publish in a “newspaper of general circulation”, but when that newspaper shuts its doors or reduces its daily delivery schedule the borough may, through resolution, consider a variety of alternatives. These alternatives are clearly stipulated in the bill and provide direction and guidance to the entity seeking to employ the measures. The requirements uphold the tenets of public\legal notice law and advertising by mandating the local government post a copy of any notice/advertisement in its place of business, adopt a resolution stating which options it will function under and lastly retain a copy of any notice for 3 years.

In closing, amending Title 45 is long overdue and as is often the case – the law catching up with reality as impacted by the pandemic. The years that have been devoted to amending and improving public\legal notice law have helped to create a viable reform measure ensuring transparency and accountability. PSAB and its members support House Bill 955 in its current form and look forward to its enactment into law. Thank you again and on behalf of our Commonwealth’s boroughs I am happy to respond to any questions you may have.