

House Local Government Committee
Testimony on Advertising Options/House Bill 955
Pennsylvania State Grange
May 26, 2021

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Majority Chair Knowles, Minority Chair Freeman and members of the House Local Government Committee, thank you for holding this hearing on House Bill 955, Printer's Number 967.

For the record, I am Wayne Campbell, President of the Pennsylvania State Grange. As you may know, the Pennsylvania State Grange is one of, if not the oldest organization that advocates for rural Pennsylvanians, having been founded in 1873.

The Pennsylvania State Grange opposes House Bill 955.

We believe that the underlying reasons for advertising is a belief that government should be transparent and that people have the right of knowing situations where their government is making a decision that affects government expenditures of taxpayer dollars or when a decision is made that will affect residents of a community and businesses for good or ill. While there is the PA Right To Know law, it only gives interested parties access mostly to decisions that have already been made. Public notice gives taxpayers and watchdog groups access to the time those decisions will be made and allows them to voice their opinions.

If transparency and citizen access to governments is the goal, the question is how we get there from here.

HB 955 presents itself as providing options rather than dictating a certain means of publicizing. If enacted, there will be a rush for governments to post notices on the internet via their web site to save money. This will lead to general abandonment of utilizing newspapers as a way to communicate government's message.

Municipalities may be tempted to use the excuse that 'we posted it on the Internet' while ignoring their responsibility in informing citizens in as many ways as possible or appropriate for their residents. It then becomes a shortcut to do less notification than is necessary to properly notify residents.

While perhaps meeting municipal desires to save costs, electronic communication has its own drawbacks.

Not Everyone Has Access to the Internet

As with HB 955, a prevailing notion held by many is that the internet or social media is the answer. Some might suggest that non-electronic notices are no longer necessary and that newspaper advertising is obsolete. COVID-19 proved this theory wrong.

As schools, medical appointments and employment went virtual, it proved how much the digital divide is affecting Pennsylvanians. Many in PA, particularly in rural areas, do not have access to high-speed broadband. That means they would be unaware of public notices posted on the municipality's web site.

Here is some backup on the need for universal access and the fact that many are on the wrong side of the digital divide.

A statement released by Penn State's College of Agricultural Sciences detailed how this pandemic is affecting rural areas without broadband coverage are at a disadvantage when compared to areas with broadband coverage as they face unique challenges. Significant problems were identified for:

- Individuals filing for unemployment benefits or applying for new jobs;
- Businesses attempting to sell their goods and services online;
- Businesses to apply for CARES programs, including the Small Business Administration's Paycheck Protection Program;
- Communities applying for CARES funds;
- Patients needing to obtain online prescriptions or telehealth services, including mental health care;
- Elderly residents applying for benefits;
- Homebound students attempting to keep up with their school assignments;
- Workers encouraged to "work from home;"

- Farmers, whose markets have disappeared when restaurants, schools, and related local institutions shut down, in finding alternative and new outlets for their perishable products through online sales;
- Rural business owners, and community leaders, and farmers accessing the research-based Extension programs and information provided by Land Grant Universities; and
- Individuals responding to the Census online, which would affect the future distribution of resources.

Resource: *Penn State College of Agricultural Sciences, Northeast Regional Center for Rural Development, NERCD Covid-19 Issues Brief No. 2020-6, "Rural Broadband Investment Urgently Needed in the Covid-19 Crisis,"*

A study of Broadband Internet access came from the Center for Rural PA in 2019 where Penn State research showed conclusively that there is no universal access, particularly in rural areas of the state.

At the county level, the 2018 data showed that there were 0 (zero) counties in Pennsylvania where at least 50% of the populace received "broadband" connectivity, as defined by the FCC. Connectivity speeds were substantially slower in rural counties (as defined by the Center for Rural PA) than in urban counties.

Resource: https://www.rural.palegislature.us/publications_broadband.html.

Posting Information on a Municipal Website has a Limited Reach

Posting a notice on a website is passive communication. The information may be there but is it heeded? Mandatory publishing of notices through newspapers reaches people –there is a set reading audience. Pennsylvania print newspapers reach approximately 7 million Pennsylvanians every week.

While newspapers do not reach everyone, they do have a far better ability to reach households than municipal websites. Of course, not everyone who reads the newspaper will look at legal notices, however, they have the opportunity.

For example, most may not want to know about a zoning meeting but notice of tax changes, where to vote, and most recently, notice about the Pennsylvania Constitutional Referendums would certainly attract more interest. If transparency is the goal of posting governmental notices, then municipalities should try to inform the public in as many ways possible. Granted, with newspapers there is a small cost but this budget item should be weighed against the public's right to know what is going on at the local level.

In conclusion, the Pennsylvania State Grange is certainly not opposed to using the internet as a way to keep the public informed. But it is not the only way. In order to succeed in communicating messages, municipalities need to use as many media options as is possible – with some free and some bearing a cost. The internet will reach some audiences. Facebook and social media will reach others. However, we should never make the mistake of creating a disincentive for local governments to use newspapers. After all, as the Pennsylvania NewsMedia Association points out, PA's newspapers remain the most read, most reliable place to read and establish legal proof of public notices, with 7 out of 10 Pennsylvania adults reading a newspaper in print or online each week.

We oppose legislation that gives municipalities the option of not publishing public notices in newspapers.



May 25, 2021



Dear Member of the House Local Government Committee:

The undersigned organizations oppose any legislation that provides the option to remove public notices from newspapers of general circulation and urge you to oppose [House Bill 955](#). Newspapers' combined print and online reach to Pennsylvania taxpayers far exceeds any other alternative for public notices.

More than 7 million Pennsylvanians read a printed newspaper every week. More than 18 million unique visitors went to four of the state's largest newspaper websites in March 2021 alone, according to Comscore media measurement analytics.

Newspapers are, by far, the most convenient, wide-reaching and established place to see public notices. In contrast, web traffic to many government websites is so low that it cannot be measured; many small municipalities do not even have websites or, if they do, they are not frequently updated. Spreading public notices across thousands of local government websites or other print publications would make it impossible for taxpayers to keep track of government activities or hold government accountable.

Public notices are already on newspaper websites, in front of paywalls and available to all taxpayers. Pennsylvania newspapers also created an online searchable database for public notices available at www.publicnoticepa.com, which is provided at no cost to the government or taxpayers.

The publication of public notices by the independent third party that is Pennsylvania newspapers builds trust in the democratic process. It keeps a critical business function within the private sector, fostering open and robust competition in a free market economy. That, in turn, is good news for Pennsylvania businesses, Pennsylvania workers, Pennsylvania taxpayers, and Pennsylvania government. As has been demonstrated throughout the coronavirus pandemic, it is critical that government be more transparent, not less.

Public notices must also be archived and verified by an independent third party – again, Pennsylvania newspapers – to withstand legal challenges. Allowing government agencies numerous and undefined publishing options including internet-only publication would result in significant costs, uncertainty among Pennsylvanians, and lead to litigation. Newspaper publication, in contrast, has been unequivocally affirmed by state and federal courts nationwide as verifiable evidence of notice.

Removing public notices from newspapers of general circulation would cause great damage to government transparency and accountability. Pennsylvania newspapers guarantee efficiency, independence, and that the most people will have access to public notices, including significant populations that are not online:

- Up to 23.2% of Pennsylvania residents do not use the internet; 27% of seniors do not use the internet; and 41% of seniors do not have broadband access at home, reported the U.S. Department of Commerce (2020) and the Pew Research Center (2019).
- 31 percent of the state's farms do not have broadband access, according to "The Economic Impact of Agriculture in Pennsylvania: 2021 Update" from the state Department of Agriculture and Team Pennsylvania Agriculture Advisory Board.

Furthermore, lower internet usage persists among minorities, lower-income households and individuals with disabilities.

A 2019 Penn State study commissioned by the Center for Rural Pennsylvania found that vast swaths of the state do not have broadband internet, and not one county in the commonwealth can say that more than 50% of its population receives broadband connectivity as defined by the Federal Communications Commission. Newspapers are the primary channel for communicating matters of crucial public importance to those residents.

Although proponents of HB 955 argue that such measures would result in cost savings, government will spend more money to take over public notices. Solicitor fees, which must not be confused with newspaper public notice costs, will remain. With thousands of local governments and authorities in Pennsylvania, municipal costs would increase annually for development, software, training and maintenance as well as the personnel costs related to uploading, archiving, and maintaining the notices, content management systems and websites. Even with millions spent, government websites have repeatedly failed to meet their promised goals, including campaign finance reporting, the workers' compensation online system, and more. Hacking is a problem that continues to plague government websites at the local, state and federal levels.

Pennsylvania newspapers provide government with the lowest advertising rate given to comparable advertisers, and public notice costs typically fall very far below one-quarter of 1% of a municipal or school district budget. Because newspapers view the publication of these notices as a public service, they edit and fact check them at no cost to government agencies and, ultimately, at a savings to taxpayers.

It is not in the best interest of citizens, the government, business community or taxpayers for public notices to be removed from print newspapers. They, coupled with their vast online reach, are unmatched in their proven ability to reach across and into the communities of this commonwealth. Should HB 955 come to a committee vote, we encourage you to vote "no."

Thank you in advance for your careful consideration of this important issue.

Respectfully submitted,

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