



Senate Local Government Committee

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Chairman



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BILL ANALYSIS

BILL NUMBER: Senate Bill 733

SPONSOR: Robbins

SUMMARY:

Senate Bill 733 would amend Title 45 (Legal Notices) of the Pennsylvania Consolidated Statutes to give municipalities the option to establish an internet website on which to place required public notices.

ANALYSIS:

Senate Bill 733 pertains to "legal notices," which are defined to include: (1) a meeting of the governing body; (2) an ordinance or resolution; (3) a budget, auditor's report or financial statement; (4) a request for bids or proposals or other documentation related to procurement; (5) a sale of real or personal property, including property sold for municipal taxes or claims, and (6) proceedings requiring public notice under The Pennsylvania Municipalities Planning Code.

Under the bill, a local government unit may enact an ordinance or adopt a resolution to elect to electronically publish legal notices. The ordinance or resolution must state what notices will be published electronically and the official website where those notices will be posted. Senate Bill 733 retains any existing requirements that certain notices be filed in legal journals.

If the local government does not have an internet website of its own, the county in which the government unit is located may agree, under terms and conditions as the county may require, to provide space on the Internet website of the county necessary to serve as the government unit's notice website.

Following adoption of an ordinance or resolution, and prior to electronically publishing any legal notices, the government unit must publish a legal advertisement once a week for four successive weeks in one or more newspapers of general circulation within the jurisdiction of the government unit, announcing that certain legal notices will in the future be posted on the government unit's notice website.

An official notice website must: (1) be accessible to the public over the Internet at least 98% of the time, 24 hours a day, 365 days a year; (2) prominently display the link to any other notice website; (3) include an indexed web page containing a list of all current electronically published notices of the government unit, with links to the full text; (4) contain a search function; and (5) display on each page the e-mail address of the local government unit.

The bill contains additional requirements for local governments which elect to publish notices electronically. All notices which are electronically published must also be available for review in printed form in the appropriate office of the government unit. Notices published electronically must also be mailed

by first class mail, or sent by facsimile, to one or more newspapers of general circulation no later than the date the notice is posted on the notice website. The newspaper may use the notice for research, for monitoring or to print as a public service at no charge to the government unit.

Further, a local government unit that elects to provide electronic publication of legal notices must also establish a system to provide e-mail notification to individuals who register with the government unit to receive e-mail notifications. The government unit must maintain a copy of each legal notice, certifications of legal notices, and transmission reports in accordance with established legal standards relating to records retention.

Finally, the DCED Center for Local Government Services is to receive a copy of each ordinance or resolution establishing an official notice website. The center is required to create and maintain a list of the names and Internet websites of all government units for which it has received a copy of an ordinance or resolution to permit electronic publication of legal notices.

EFFECTIVE DATE:

This act would take effect in 60 days.