

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 410 Session of 2019

INTRODUCED BY MARTIN, FOLMER, K. WARD, YAW AND DiSANTO,  
MARCH 11, 2019

REFERRED TO EDUCATION, MARCH 11, 2019

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," in preliminary provisions, further  
6 providing for publication of notices and proofs of  
7 publication.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Section 106 of the act of March 10, 1949 (P.L.30,  
11 No.14), known as the Public School Code of 1949, is amended to  
12 read:

13 Section 106. Publication of Notices, etc.; Proofs of  
14 Publication.--(a) Whenever, under the provisions of this act,  
15 notice is required to be published in one newspaper, such  
16 publication shall be made as follows:

17 (1) in a newspaper of general circulation as defined [by the  
18 "Newspaper Advertising Act" of May sixteen, one thousand nine  
19 hundred twenty-nine (Pamphlet Laws 1784), printed in the county,  
20 unless the matter in connection with which the advertising is

1 being done affects only a school district, in which case such  
2 advertisement shall be published in a newspaper printed in such  
3 school district, if there is such a newspaper, and if not, then  
4 in a newspaper circulating generally in such school district. If  
5 such notice is required to be published in more than one  
6 newspaper, it shall be published in at least one newspaper of  
7 general circulation, defined as aforesaid, printed, if there be  
8 such a newspaper, or circulating generally, as above provided,  
9 in the school district.] under 45 Pa.C.S. § 101 (relating to  
10 definitions) printed in the county in which the school district  
11 is located;

12 (2) in a newspaper printed in the school district, if there  
13 is such a newspaper;

14 (3) in a newspaper circulating generally in the school  
15 district;

16 (4) in a legal newspaper designated by the rules of court of  
17 the county in which the school district is located for the  
18 publication of legal notices and advertisements;

19 (5) on the school district's official, publicly accessible  
20 Internet website using hypertext markup language (HTML) format  
21 or an equivalent language format;

22 (6) on the official, publicly accessible Internet website of  
23 a newspaper listed in paragraph (1), (2), (3) or (4), using HTML  
24 format or an equivalent language format;

25 (7) in a community paper of mass dissemination. For purposes  
26 of this paragraph, a "community paper of mass dissemination"  
27 shall mean a locally circulated printed publication that is at  
28 least four pages long, is issued on at least a weekly basis and  
29 is distributed by audited carriers to all known addresses within  
30 a political subdivision; or

1 (8) on a Statewide publicly accessible Internet website  
2 maintained for this purpose by the Commonwealth, if the website  
3 is established after the effective date of this paragraph.

4 (b) When such notice relates to any proceeding or matter in  
5 any court, or the holding of an election for the increase of  
6 indebtedness, or the issue and sale of bonds to be paid by  
7 taxation, such notice, in each school district, shall also be  
8 published in the legal newspaper, if any, designated by the  
9 rules of court of the proper county for the publication of legal  
10 notices and advertisements [ : Provided, That auditors'  
11 statements, summaries of auditors' statements, advertisements  
12 inviting proposals for public contracts and for bids for  
13 materials and supplies, or lists of delinquent taxpayers, shall  
14 be published only in newspapers of general circulation, defined  
15 as aforesaid].

16 (b.1) If notice is required to be published in more than one  
17 publication, the publication shall be made by at least two of  
18 the means of publication listed in subsection (a). Nothing in  
19 this subsection shall negate any provision of subsection (b)  
20 relating to the requirement to publish notice in a legal  
21 newspaper.

22 (b.2) A school district may determine the appropriate means  
23 of publication from the means of publication listed in  
24 subsection (a).

25 (c) Proof of publication of any notice required to be given  
26 by the posting of handbills or statements shall be made by  
27 attaching an original copy of such handbill or statement as  
28 actually printed and posted to an affidavit made by the person  
29 posting such notice. Such affiant shall not be an interested  
30 party or an employe of any person or persons interested in the

1 subject matter of said notice. His affidavit shall state where  
2 and when the notices were posted and [where] the manner in which  
3 the notice was published [in newspapers, as aforesaid]. A  
4 printed copy, exactly as published [in said newspaper], shall be  
5 securely attached to a similar affidavit of the publisher or his  
6 designated agent.

7 Section 2. This act shall take effect immediately.