

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL****No. 803** Session of  
2011

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INTRODUCED BY PICCOLA, SCARNATI, EARLL, ALLOWAY, FOLMER, ORIE,  
EICHELBERGER, WAUGH, SOLOBAY, ERICKSON AND HUGHES,  
MARCH 11, 2011

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REFERRED TO EDUCATION, MARCH 11, 2011

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## AN ACT

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

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

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

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

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

advertising is being done affects only a school district, in which case such advertisement shall be published in a newspaper printed in such school district, if there is such a newspaper, and if not, then in a newspaper circulating generally in such school district. If such notice is required to be published in more than one newspaper, it shall be published in at least one newspaper of general circulation, defined as aforesaid, printed, if there be such a newspaper, or circulating generally, as above provided, in the school district] in which the school district is located;

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

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

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

(5) on the school district's official, public Internet website using hypertext markup language (HTML) format, or an equivalent language format;

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

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

[(b) When such notice relates to any proceeding or matter in

any court, or the holding of an election for the increase of indebtedness, or the issue and sale of bonds to be paid by taxation, such notice, in each school district, shall also be published in the legal newspaper, if any, designated by the rules of court of the proper county for the publication of legal notices and advertisements: Provided, That auditors' statements, summaries of auditors' statements, advertisements inviting proposals for public contracts and for bids for materials and supplies, or lists of delinquent taxpayers, shall be published only in newspapers of general circulation, defined as aforesaid.]

(b.1) If notice is required to be published in more than one publication, such publication shall be made by at least two of the means of publication listed in subsection (a).

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

(c) Proof of publication of any notice required to be given by the posting of handbills or statements shall be made by attaching an original copy of such handbill or statement as actually printed and posted to an affidavit made by the person posting such notice. Such affiant shall not be an interested party or an employe of any person or persons interested in the subject matter of said notice. His affidavit shall state where and when the notices were posted and [where] the manner in which the notice was published [in newspapers, as aforesaid]. A printed copy, exactly as published [in said newspaper], shall be securely attached to a similar affidavit of the publisher or his designated agent.

Section 2. This act shall take effect immediately.