



PNA LEGAL UPDATE

LEGAL AND LEGISLATIVE ISSUES AFFECTING THE NEWS INDUSTRY

EDITORIAL ROUNDUP

[The Times Leader](#) (Wilkes-Barre) – MYSTERY LETTER Something stinks about PUC secrecy
[News-Item](#) (Shamokin) – Stop progress for public notice legislation

LEGISLATIVE UPDATE:

Veteran's Day on Nov. 11 created a short legislative week for the House and Senate. The House Game and Fisheries Committee reported from committee the legislation to create an endangered species database, House Bill 1576, with an amendment sought by PNA when the bill was first introduced. Our objection to a prior restraint element of the proposal was addressed by the amendment adopted by the committee. We remain opposed to the bill, however.

SB 733 was referred to the Senate Appropriations Committee on November 13. PNA opposes the legislation, which would permit public notices to be moved to government websites, rather than being published in newspapers of general circulation, a coalition of groups sent an [opposition letter](#) to all Senators on Tuesday.

PNA is also monitoring legislation introduced recently by Senator John Eichelberger, Jr. (R-Blair), that would amend the Policemen and Firemen Collective Bargaining Act (Act 111). Among other things, Sen. Eichelberger's proposed changes in [SB 1111](#) would open arbitration hearings involving police and fire personnel to the public and require stenographic recording of the hearings. With some exceptions, the records at these hearings would be subject to the Right to Know Law. The PNA supports legislation that provides the public with the opportunity to observe and understand government proceedings and expenditure of taxpayer funds.

We anticipate reviewing legislation to be introduced by Rep. Mary Jo Daley (D-Chester), who circulated a co-sponsorship memo introducing proposed legislation that would require openness in the redistricting process. Among other things, Daley's legislation would require the Reapportionment Commission to comply with the Sunshine Act and the Right-to-Know Law. PNA supports increased access in government agency meetings and will report on this bill when it is introduced. The House and Senate will meet for just three days before Thanksgiving, Nov. 18-20, and at this point plan to return to Harrisburg for two weeks in early December.

LEGAL ISSUES FROM AROUND THE COMMONWEALTH

PSU alum starts RTKL legal fund

As part of his ongoing efforts seeking accountability from PSU, university alum Ryan Bagwell has started a legal fund to help fund current and future legal actions against the University. According to Bagwell, he has already spent \$15,000 and hopes to raise at least \$50,000 more. The Commonwealth Court sided with Bagwell in a case seeking access to correspondence involving the PA Secretary of Education, who holds a seat on the PSU board of trustees. Read more from the [Pittsburgh Post-Gazette](#).

IN THIS ISSUE



**EDITORIAL
ROUNDUP**



**LEGISLATIVE
UPDATE**



**LEGAL ISSUES
FROM AROUND THE
COMMONWEALTH**



**ISSUES BEYOND
PENNSYLVANIA**



**OTHER
RESOURCES**

DO YOU HAVE A
QUESTION FOR THE
LEGAL HOTLINE?

CONTACT 717-703-3080





PNA LEGAL UPDATE

LEGAL AND LEGISLATIVE ISSUES AFFECTING THE NEWS INDUSTRY

LEGAL ISSUES FROM AROUND THE COMMONWEALTH (CONT.)

School district denies access to board applicant materials

The Pottsgrove School District denied requests by The Mercury (Pottstown), seeking access to application materials submitted by candidates seeking a vacant school board position. The district relied on the personnel exemption to the RTKL and the pre-decisional deliberation exemption as a basis for their denial. At least one applicant made his own application materials available online. Read more from [The Mercury](#) (Pottstown).

Legislators hope new website provides more access

The Pennsylvania General Assembly recently unveiled a revamped website. An open government advocacy group, the Sunlight Foundation, had graded the General Assembly's prior website as a "C" earlier this year. Read more from the [Pittsburgh Tribune-Review](#).

Sunshine Act explained, examples offered

The Reading Eagle has recently published several articles on the Right to Know Law and citing examples of the law's application in the Reading community. The newspaper also published a piece examining the Sunshine Act and offering instances of compliance issues. Read more from [The Reading Eagle](#).

New mayor excluded from meetings

The newly-elected mayor of Jeannette City has been told by city council members that he cannot attend meetings with the city's auditor until he is officially sworn into office in Jan. 2014. However, the city's attorney says that the meeting with the auditor should be public, and the newly-elected mayor should be permitted to attend. Read more from the [Pittsburgh Tribune-Review](#).

New school leader pledges transparency

The Coatesville Area School District recently hired an interim superintendent in the wake of the departure of two administrators under a cloud of allegations of inappropriate text messages. Residents in the district have complained about a lack of communication from school board members, and the interim superintendent has said he is committed to transparency. Read more in the [Daily Local News](#) (West Chester).

Supervisor acts without board approval

Salford Township Supervisor Tom Neff allegedly acted alone and outside a public meeting when he directed township employees to purchase mold testing equipment and test township buildings. The remaining township supervisors apparently disagree with Neff's unilateral decision. Read more from the [Souderton Independent](#).

Sunshine Act questions raised by township supervisor

Penn Township Supervisor CeCe Novinger alleged that her fellow supervisors held an executive session to discuss the police budget without providing her advance notice as required by the Sunshine Act. The remaining township supervisors refused to provide additional details on the topics discussed during the private meeting. Read more from the [Perry County Times](#) (New Bloomfield).

PNA note: [section 708](#) of the Sunshine Act requires agency members to be given at least 24 hours advance notice of the date, time, place and subject of all executive sessions.

Harrisburg advisory board urged to comply with Sunshine Act

The advisory board created by the Pennsylvania Economic Development Financing Authority to address Harrisburg public parking is being urged to comply with the Sunshine Act. The Advisory Committee to Standard Parking was created as part of the city's \$600 million debt deal and will include one representative from each stakeholder, including Harrisburg's mayor and city council, Harrisburg parking authority and Dauphin County, and will make recommendations to Standard Parking, the private company expected to manage the city's public parking facilities. Read more from [PennLive/The Patriot-News](#) (Harrisburg).

Executive session announcement issues surround school building purchase

The Coatesville School District held a real estate executive session November 4 to discuss purchasing a new administrative facility, but failed to announce the session either before the session took place, or at the first public meeting following the private discussion. The board held a special meeting November 11 at which they voted to purchase the building, but did not announce the private session. The board plans to announce the executive session at a future meeting. Read more from the [Daily Local News](#) (West Chester).



PNA LEGAL UPDATE

LEGAL AND LEGISLATIVE ISSUES AFFECTING THE NEWS INDUSTRY

ISSUES BEYOND PENNSYLVANIA:

FAA drone proposal could impact journalism

The FAA has released documents outlining its plans regarding drone use in the US, and for the most part, focused on large craft with sophisticated ground control mechanisms, which are typically not the type to be used in newsgathering. The FAA is aware of journalists' intended use of drones and the types of

aircraft most likely to be used: sUAS, or small unmanned aerial systems, typically under 55 pounds with limited range and altitude. The sUAS Notice of Proposed Rulemaking is expected to be released in early 2014 and should address journalists' use of drones. Read more from the [Neiman Journalism Lab](#).

OTHER RESOURCES:

Catch up on the latest NLRB and EEOC actions from the [Zinser Law](#) firm