

## Public Notice Listings Remain Under Attack in Southern States

By Sean Ireland  
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An important cog in the check-and-balance fundamentals of representative government – and a longtime service provided by community newspapers – remains under attack.

For the last few years, virtually without exception, states across the South have been considering alternatives to laws requiring that governments place notices in their local newspapers about items of public business – notices such as upcoming meetings of elected bodies, opportunities to bid on public projects and elections.



Sean Ireland

Public notice laws have been on the books for decades. When these laws were first made, newspapers were simply the best way to get out the news – they were independent, they were inexpensive and they offered the widest reach to the people being affected.

As the Internet blossomed over the last 10 years, however, state legislatures have been tempted by the potential for cutting the costs associated with public notices. They have explored the possibilities of making public notices available on government Web sites, and they've been courted by third-party companies with claims that online notices are cheaper than print.

Despite these flirtations, public notice newspaper requirements have by and large remained unchanged. Of their own volition, without adding additional costs to government, newspapers have been organizing their own statewide Web sites to make the public notices that appear on their pages available online. With the help of their state press associations, newspapers have ensured that the public has the widest possible access to notices in print and online, and

that has blunted arguments for change.

Because of lobbying efforts of newspapers and state press associations, lawmakers and, to a lesser degree, the public, are being reminded about the importance of independent publication of public notices in newspapers, where even the poorest – millions of people without computer access at work or home – can still find them by reading a paper at the local library.

**For a state-by-state breakout of current proposals to change public notices in Southern states, [click here.](#)**

The battles are still being fought though, and the potential for the loss of this important check on government remains.

In some states, the threat to public notices in newspapers is direct. In Florida, for instance, "There are several bills that are working their way through the legislature right now," said Dean Ridings, president and CEO of the Florida Press Association. "Of particular concern is S.B. 2292, and its companion, H.B. 1477, which would virtually eliminate the print requirement of any public notices."

Similarly, in North Carolina, there are several bills pending that would drastically change the requirements for publication of public notices. "This year, several bills are up. Two are local bills allowing local governments to put their own notices on their own governmental Web sites," said Beth Grace, executive director of the North Carolina Press Association. "One bill will take notices out of paid circulation papers and put them into free circulation papers. The most threatening bill is H.B. 193, which would allow all local governments to run meeting and hearing notices online on their own sites instead of papers. We are fighting all of these."

In other states, such as Arkansas, attempts at change have been subtler. "It has become apparent that any blanket attempt to move public notices to the Internet has been abandoned in favor of a piecemeal approach to changing the manner in which public notices are published," said Tom Larimer, executive director of the Arkansas Press Association. "For instance, the public schools presently have a bill that would allow them to move their required annual 'Performance Report' to their own Web sites and out of newspapers. I think if some of these are successful, it will open the door to a flood of such legislation in the future."

Mark Thomas, executive vice president of the Oklahoma Press Association, said the Oklahoma legislature has explored smaller changes that could pave the way for removal of notices from newspapers. "We had one legislator tell me he was going to introduce legislation to allow 'radio Web sites' to be the equivalent of publishing in the local paper, but that never materialized," Thomas said. "The state broadcaster association had been holding seminars on how the TV and radio station Web sites could be the 'newspaper of the future.'

"Also, a legislator this year proposed a bill to allow counties to publish their proceedings on a county Web site if the county has a site, but for those notices to remain in the local paper if the county has no Web site," Thomas added. "But the state association of counties would have quickly set up a site for each county off of (its own) site, so that would have been the end of county legal notices in newspapers."

In many cases, the instigators of these efforts are third-party companies that hire lobbyists to work with state legislatures to change laws in favor of electronic publication via the Internet only. That would allow them to swoop in and bid for the contracts with the promise of being able to quickly begin providing the service.

Perhaps the most well known is a company called Global Notice, but there are others, and they are arguing that allowing them to handle public notices would be cheaper than newspaper publication. "As municipal budgets tighten across the nation, government leaders must look for ways for public money to be spent more efficiently, while not cutting back on the level of service provided to citizens," wrote Jason Christie, president of one such company, Enotices.com, on the company's Web site in 2007.

"One way to accomplish this is by encouraging state lawmakers to pass legislation allowing local units of government to publish legal and public notices on Web sites instead of newspapers.

"We're not suggesting public notices be published by individual governments, we're proposing the use of a third-party entity where notices can be found easily and efficiently, without the high cost currently associated with publishing legal notices in newspapers."

Global Notice has been active in several states. "We had a Global Notice bill in 2007. It was not introduced in 2008 and so far, not in 2009," said Felicia Mason, executive director of the Alabama Press Association "The bill we had in '07 was similar to what they had in Georgia in 2008 – allowing the third party to post to a state-run site for \$10 per ad. It was permissive and did not change the requirement to run in newspapers, although it was clear that was the long-term goal. There was never a vote, even in committee."

**Public notice Web sites of newspapers and state press associations:**

Alabama: [www.alabamalegals.com](http://www.alabamalegals.com)  
Arkansas: [www.publicnoticeads.com/AR/](http://www.publicnoticeads.com/AR/)  
Florida: [www.floridapublicnotices.com](http://www.floridapublicnotices.com)  
Georgia: [www.georgiapublicnotice.com](http://www.georgiapublicnotice.com)  
Kentucky: [www.publicnoticeads.com/KY/](http://www.publicnoticeads.com/KY/)  
Louisiana: [www.publicnoticeads.com/LA/](http://www.publicnoticeads.com/LA/)  
Mississippi: [www.publicnoticeads.com/MS/](http://www.publicnoticeads.com/MS/)  
North Carolina: [www.ncnotices.com](http://www.ncnotices.com)  
Oklahoma: [www.oklahomanotices.com](http://www.oklahomanotices.com)  
South Carolina: public notices published online by individual newspapers  
Tennessee: [www.tnpublicnotice.com](http://www.tnpublicnotice.com)  
Texas: [www.texaslegalnotices.com](http://www.texaslegalnotices.com)  
Virginia: [www.vapublicnotices.com](http://www.vapublicnotices.com)  
West Virginia: [wvlegals.com](http://wvlegals.com)

North and South Carolina also have faced down Global Notice bills. "One statewide bill to put all public notices on the Web – a Global Notice bill – was successfully killed in committee," said Grace, of the NCPA.

Newspaper efforts to fight off so-called Global Notice bills have included the establishment of statewide Web sites on which newspapers post public notices they receive from local governments for print publication. By providing both print and online access at no additional cost to government, newspapers have reduced the effectiveness of the cases made by the third-party companies.

In addition, publishers have been rallied in several states to contact their local legislators and provide them with information about the importance of public notices in newspapers. Publishers also are using their opinion pages to build the case for keeping notices in print.

In most cases, these efforts are paying off. They have been "very effective," said Oklahoma's Thomas, "especially where the member newspapers have been involved personally. If they leave

it to the lobbyists to work this issue, they will end up with fewer notices," he said.

“Many newspapers only want to get involved in the ‘white hat’ issues of open meetings and records. But this is a time when they need to come out of hiding and put on the ‘black hat’ and tell legislators these notices are important, even if they do cost money. Society and the legal system cannot function without some form of valid public notice.”

“Our newspaper members are very helpful and effective in educating their respective legislators in the importance of public notices remaining in newspapers,” said Arkansas’ Larimer. “Just over half the households in Arkansas have Internet connectivity and that number goes way down in the rural, lower-income areas of the state. In Arkansas, at least for now, newspapers remain the only real viable option for reaching the most people and achieving the transparency in government that was the original reason for the public notices.”

“I think the public notice bill we had helped our papers realize the threat is real,” said Mason, of Alabama. “Public notices need to be online, but not by way of a government-controlled Web site. The newspaper’s role as the independent source of disseminating public notices should not change. The method of delivery now, however, includes both print and online products. That is the only way to guarantee the maximum amount of exposure and broaden access to citizens across all socioeconomic and demographic boundaries.”

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