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Legal notice legislation again rears its ugly head

Sometimes a snake in the grass that slithers away didn't really go away at all.

Such is the case with state legislation co-sponsored by Rep. Bill Owens, D-Pasquotank, that would allow all cities and counties to post public notices on their Web pages instead of in newspapers, where notices are currently required to be posted.

What's at stake here is significant. A bill that is masked with "good" intentions to save local governments a few dollars could result in less government transparency and less public oversight.

As standard bearers for freedom of information, open records and transparency in government, we urge lawmakers and readers to fight off this attempt to restrict access to public information.

Here's how what once seemed dead, resurfaced with little notice.

The state House Committee on Government voted to reject House Bill 472 — which lets governments place legal notices on their websites instead of local papers — by a vote of 21-10. However, its companion in the Senate, SB 773, survived.

Then on May 24, HB 472 was re-referred to the House Committee on Rules, where the chairman was told it would die there. Yet with the bill still technically alive, and a number of counties elsewhere continuing to push for it, we remain cautious that a snake may rear its ugly head again.

This is important because the 70-year-old law requiring local governments to pay to place legal notices in a newspaper of general circulation ensures that a broad section of the local population is made aware of government actions.

Public notices in newspapers let residents know about upcoming special meetings, redistricting plans, delinquent taxpayers, polling changes, contract bidding and more. The current system seemed to be working fine, with no complaints that we are aware of other than the costs governments are charged for buying space to place the ads.

Yet, earlier this year and seemingly out of the blue, Owens was asked by Currituck commissioners — Commissioner Paul O'Neal opposed the proposal — to sponsor a local bill allowing the county to stop advertising notices in newspapers, and instead post notices on the county website.

Fortunately, that bill, HB 361, was defeated in committee. Unfortunately, HB 472 survived. Supported by powerful state groups that lobby for local governments, it is aimed at doing the same thing for all the state's counties and municipalities.

We still wonder why Owens ever got behind this bill in the first place. He said he sponsored the first bill, HB 361, after being asked by the board majority in Currituck County.

“Regardless of whether I support it or don't, I've introduced things, where I agree or don't agree with them,” Owens said. “I wanted to give local government the option.”

Owens said Currituck officials told him local newspapers don't circulate all that well in Currituck, and that many residents don't see when public notices are published.

“I'm not convinced with the low circulation of the (Daily) Advance and (Virginian) Pilot there that Currituck (residents) can't be notified by other ways at a less price,” he said.

While we don't object to Owens' practice of introducing bills that local government bodies request, in this case he should also consider whether his overall constituency will be better served. Accordingly, we believe cities and counties should post official notices on their website; But notices should not be pulled from newspapers, where readers who don't use government websites still expect to find them.

Consequently, this bill aims to terminate one proven source of public notification and replace it with another that is likely to create a less-informed public.

The N.C. Association of County Commissioners is urging local governments to support HB 472. It argues it's cheaper to post legal ads on a local government's website “instead of purchasing expensive ads in local papers,” according to a recent weekly update from Camden County Manager Randell Woodruff.

“The N.C. Press Association is fighting to protect this taxpayer subsidy and is lobbying hard to defeat this bill,” the weekly update stated.

There's a good reason why the newspaper lobby opposes this. The concept of public notices has always been to make sure as many people as possible in a community are aware of actions by their governing bodies.

Some advocates for the bill suggests newspapers' point of view is skewed by their desire to protect a long-held revenue stream that they have come to depend on. Yes, legal advertising does generate revenue, just as contracts for services, repairs, materials, etc., generate revenue for other firms that do business with government. One would hope that an informed and involved citizenry would have as high a priority for government as animal control, new computers and other expenses.

