

State of Public Notice as of May 2011

ARIZONA

The legislature adjourned rejecting all efforts to eliminate or alter public notice requirements. [SB 1399](#) eliminating all newspaper publication requirements of corporations and partnerships failed on an up/down vote in the Senate. Similarly, [SB 1605](#) eliminating newspaper publication notice requirements for RFP's also failed. Finally, [SB 1226](#), which in its original form would have amended newspaper publication requirements for the notice of the availability of the tax roll, was the subject of a strike-everything amendment which changed the nature of the bill completely, thus abandoning the proposed changes to publication requirements.

ARKANSAS

Arkansas had three bills that would alter the public notice landscape in Arkansas:

1. A bill to allow counties to post their ordinances and other required public notices on their own websites.
2. A bill to allow cities to do the same.
3. A bill to remove the requirement of public schools to publish "in a local newspaper" their annual performance reports.

Bills 1 and 2 were deferred to "interim study" committee, and may not be heard from again.

Bill 3 was defeated in committee, rather soundly.

Since our legislature only meets in general session every other year we're good for a couple of years anyway.

CALIFORNIA

We just identified amendments to SB 948 by Senator Lois Wolk (D-Davis) that would give counties authority to adopt an ordinance that would allow them to post notices of tax sales on delinquent properties on their websites. It would also permit them to publish abbreviated notices pointing readers to their websites instead of publishing all of the required information in the notice. Here is the link:

http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0901-0950/sb_948_bill_20110427_amended_sen_v98.pdf

This is a "committee bill," designed to put forth several non-controversial changes in one omnibus bill. Under the committee's practices, once a provision is contested (we'll do that today), it comes out of the bill and the sponsors of the change (county assessors) are advised to, if they want, introduce a stand alone bill. So . . . it shouldn't be a problem

COLORADO-

Issues of most importance to Colorado's newspapers involved legal notices and access to records and meetings. CPA was successful in killing two bills that would have significantly reduced information made available via legal notice advertising. HB 1098 would have allowed counties to post financial information on their websites instead of in newspapers. The bill was defeated in the House Local Government Committee. Similarly, SB 97 would have allowed any government to post any legal notice on its website instead of in newspapers. It was defeated in the Senate State, Veterans and Military Affairs Committee. In one instance, legal notice requirements were eliminated in 2011. SB 39 made a number of changes to laws overseeing disposal of abandoned property in public storage facilities. One of the changes was to replace the requirement that there be legal notice advisement of intent to sell the property with other forms of advertisements.

CONNECTICUT – Legislation to allow municipalities to move their public notices online was killed in Committee last week. This year’s campaign to save public notices was relatively quiet, in stark contrast to last year’s high profile public advertisements in newspapers statewide. The low-key strategy was based on meetings with Governor Dannel P. Molloy earlier this year where he told newspaper publishers and editors he was against the bill.

FLORIDA

The Legislative session finally came to an end in the early hours of the morning of May 7 after a midnight squabble on bill priorities between House and Senate Republican leadership. The House passed the general budget bill around 2 a.m. and adjourned and about an hour later, the Senate reconvened and passed it out. This left bills stalled on the calendar or in messages between the two Republican-controlled chambers. On the other hand, by that time a large number of bills (295) had already been passed during the 60-day regular session.

Local Government Public Notices (HB 89). Rep. Ritch Workman (R. Melbourne) filed this broad-reaching bill early in the session, just as he did last year. The bill proposed to end newspaper notice for most governmental actions like zoning, millage rates, budgets etc. and in its place allow for posting on various government websites. The bill was heard by the House Government Operations Subcommittee on March 30 but time ran before a vote could be taken. After that meeting, FPA staff met with Rep. Workman (as did other FPA members separately) about possible future areas of common ground. Following those meetings, the House bill did not move forward and died in the committee. The Senate companion (SB 914) filed by Sen. Mike Bennett (R. Bradenton) was referred to 3 committees but was never heard.

A bill identical to the Workman bill (SB7204) was filed mid-way through session as a committee bill in the Senate Budget Committee chaired by Senator J. D. Alexander (R. Lake Wales). The bill was placed on the Committee’s April 1 agenda but was later withdrawn by Senator Alexander at the beginning of the meeting based on what he termed was a “consensus” of the members. There was no House companion to this budget bill.

Foreclosure Notices on Private Internet Site—Senate/House Budget Subcommittee on Criminal and Civil Justice Appropriations. During the last week of session, new language was inserted into this joint committee’s budget bill by Senator Mike Fasano (R. New Port Richey) that would have allowed foreclosure notices to be placed on a private website and on the clerks of court’s website, presumably with some form of fee sharing between the two. After various groups voiced concerns over this unvetted language, it was withdrawn by Senator Fasano before the budget bill was voted out.

Foreclosure Notice Procedures (HB 119 Rep. Kathleen Passidomo (R. Naples)). This bill initially proposed several changes to the foreclosure process including allowing foreclosure notices to be placed on the clerk’s website. Proposed changes to the bill later took the notices out of the clerk’s purview and back in the newspaper print edition and also the newspaper websites and the floridapublicnotices.com site. This bill stopped moving midway through session and it was never formally heard. The Senate companion (SB 1964) by Sen. Latvala also died on the calendar.

Storage Unit Liens (HB 459 by Rep. Matt Caldwell (R. Fort Myers)). As originally filed, the House bill would have deleted the print notice for delinquent storage unit sales and foreclosures. After concerns were raised, the bill was amended to remove this bad language. It later died in Senate messages. The Senate companion, SB 1772, died on the calendar.

Growth Management. The Legislature passed **HB 7207**, a budget conforming bill that included sweeping growth management changes. The bill ends the state land planning agency’s (DCA’s) review of most local land use decisions which means that the agency notices (including print notice) of such review also largely ends. A very small number of statewide review of local decisions will remain where statewide resources are impacted, and these will be noticed via the internet. Newspaper notices of local approvals

that are currently required are not affected and will continue. The bill passed out of both houses and is headed to the Governor for signing.

Local Government Budgets. HB107. Current law provides that the governing entity advertise the summary statement of tentative budgets in a newspaper. It also provides that notice of meetings be published in a newspaper. The House bill retains these print publication requirements and further requires that tentative and final budgets be posted on the government entity's website. The House bill was laid on the table in favor of the similar Senate companion bill, SB 224, which passed the Senate and subsequently passed the House. It was enrolled on May 4.

Towing. SB 1008 would have revised procedures for public notice concerning impending sales and liens for the recovery of costs such as recovering, towing, or storing a vehicle or vessel. The bill was temporarily postponed on March 22 and not heard for the rest of session. The House companion, HB 717, was referred to 4 committees and never heard.

Campus Lost or Stolen Property Auctions. HB 7151. The Legislature passed a committee post-secondary education bill that contains a section that ends auctions for campus lost and abandoned property in favor of allowing university presidents to dispose of the property using "established policies and procedures." In ending the auctions, the campus newspaper notice requirement was also terminated. Rep. Kriseman (D. St. Petersburg) did introduce an amendment on the floor to keep some form of newspaper notice but it was not adopted.

GEORGIA

Georgia managed to escape any harm this year but expect something from local governments possibly next January.

INDIANA

Indiana had several bills filed that would have been detrimental to public notice advertising in major ways, but fortunately, none went very far. See below

S.B. 322, authored by Sen. Jim Banks, R-Columbia City, would have allowed government units to publish legal notices on a notice web site instead of in a newspaper as a public notice advertisement. HSPA opposes this type of legislation that would effectively eliminate public notice advertising.

HSPA talked to Sen. Banks, but he was not in agreement as to the value of publishing public notices in newspapers, rather than on the Internet.

HSPA also talked to Sen. Connie Lawson, R-Danville, who chairs the Committee on Local Government, about our concerns. Sen. Lawson did not give S.B. 322 a hearing, which killed the bill. Sen. Dennis Kruse, R-Auburn, was co-author of the bill.

S.B. 562, authored by Sen. Greg Walker, R-Columbus, would have allowed publication of public notice advertisements on government Internet sites as an alternative, effectively eliminating publication of the notices in newspapers.

HSPA informed Sen. Walker of its opposition to his bill. Walker explained that he was looking to save school districts money and not an anti-newspaper statement.

HSPA also talked to Sen. Connie Lawson, R-Danville, who chairs the chairs the Committee on Local Government, about our concerns. Sen. Lawson did not give S.B. 562 a hearing, which killed the bill.

H.B. 1584, authored by Rep. Bob Behning, R-Indianapolis, included language that would have allowed the school corporation performance and financial reports to be published on school district websites instead of published in newspapers.

HSPA talked to Rep. Behning about its opposition to the language. Behning changed the language in the bill's hearing before the Committee on Education, which Behning chairs, to language calling for a summer study committee on educational issues, but the bill did not emerge from its committee.

ILLINOIS

Talk about baptism by fire; it's apparent that local government groups saw a new executive director and a new director of government relations at the Illinois Press Association and decided to try and take advantage of the situation. It hasn't work but we have experienced a fierce, session-long battle over public notices.

This session's highlights regarding public notice legislation, in summary:

Derailed HB 1869, a House leadership-sponsored bill on behalf of a coalition of eight local government groups that would take all public notices out of newspapers and have them placed on government websites. This bill never made it to the House floor.

Defeated HB 1962 that would have eliminated from newspapers public notices of the Metropolitan Water Reclamation District in Chicago and place them on their website. The bill lost by a vote of 17-95, a resounding defeat.

Defeated the self-storage industry bill that would have eliminated public notices in newspapers.

With two weeks left in this session, we're cautiously holding our breath until May 31st scheduled adjournment.

KENTUCKY

We haven't had a public notice bill filed since 2005, not including the 2006 session when KPA went to the legislature with a compromise bill reflecting the agreement we had reached with the Kentucky League of Cities, Kentucky Association of Counties and three other related entities. How long that will last, I don't know.

LOUISIANA

Our session is barely a month old, fiscal year.

We are working to amend a bill to discontinue public notice for universities for procurement. Current law provides must publish in the state official journal (a paid newspaper) and a newspaper of general circulation in the parish where the base unit (university/college) is located.

Bill would also allow the schools to join a nation-wide non profit cooperative with notice only being on the state website. We are trying to amend for printed notice.

This is it for public notice this time around....election year.

MASSACHUSETTS

Mass. has a two year legislative session, with the current session having just started in January.

(Knock on wood, knock on wood.) So far, nothing this session. We had some public-notice battles in the last session and anticipated worse ones this time around. But so far, so good.

MICHIGAN

Michigan is "under control" at the moment (with 8 bills under consideration).

MINNESOTA – The House Government Operations Committee voted this week to remove language from [HF 705](#) that would have authorized municipalities to switch their legal notices to government Web sites.

So far MNA has been successful in getting two bills amended in committee to remove the objectionable language that would authorize municipalities to switch their legal notices from being published in a newspaper to government websites.

The first vote came in the House Government Operations Committee after the committee spent nearly an hour listening to testimony on the issue from proponents and opponents. The amendment to remove the objectionable language passed with broad support from both Republicans and Democrats. The Senate companion bill was introduced the following week using the revised, acceptable language from the House bill.

Both bills did move forward through additional legislative committees during the past week, no effort of any kind was made to add language to them relating to public notices.

We're not completely out of the woods yet. Our regular session ends Monday, May 23.

MISSISSIPPI

Because of the preoccupations of redistricting and budget battles, we dodged the bullet this year and escaped without any serious threats to public notice. If only we'd get so lucky every year. Those who threaten it, though, are like a super virus... We beat them back, but they get smarter and tougher each season, it seems.

MISSOURI

The Missouri General Assembly adjourned at 6 p.m. on lucky Friday the 13th of May. MPA experienced some victories, mainly in regard to bills that were defeated.

Public Notices on the Internet dies. A threat erupted the last couple of weeks of the session with a construction bid notices amendment in HB 142 by Senator Ryan McKenna (D-Crystal City). His amendment would have allowed the state's Office of Administration, along with some cities and the Missouri Municipal League to post construction bid notices on websites, rather than publishing them in local newspapers. The amendment was pulled from HB 142, thanks to the work of many people including several Senators and Representatives and many MPA members who contacted their legislators.

HB 139 – Added information on Missouri Accountability Portal dies. The Missouri Accountability Portal has existed for several years, established during the administration of former Gov. Matt Blunt. The portal, maintained by the Office of Administration and accessed via the Internet, contains information about state government revenues and expenses, including vendor information and salary information of state government employees. HB 139, sponsored by Rep. Jason Smith (R-Salem), would have posted additional financial information of public schools, counties and cities on the portal, along with travel expenses of the Governor. The bill passed the House, but died in the Senate. Missouri Press Association was concerned that passage of the bill could have been a step toward elimination of school, county and city financial statements published in local newspapers, even though the bill's sponsor said that was not the intent.

SB 60 – County Budget hearing notices on the Internet dies. An amendment allowing some county budget hearing meetings to be posted on a county's website, rather than in the local newspaper, passed the House. MPA opposed the amendment. The bill died in the Senate.

A bill that passed the House and Senate! SB 173 - Sewer Design-Build contracts, bid notices in newspapers. This bill authorizes the Metropolitan St. Louis Sewer District to enter into a design-build contract for construction projects exceeding \$1 million. The legislation establishes advertising

requirements in legal newspapers qualified in chapter 493, RSMo, and procedures for submitting and opening proposals and for re-advertising when necessary.

MONTANA

Our legislative session just ended. There were a number of small issues on individual public notice requirements, nothing serious, and generally most were expanding what needed to be noticed. One bill came through to set up a statewide website for financial budgets, etc., on state agencies... something not required to be published. It did have a clause that would have required publishing all public notices, minutes, etc., of all state agencies, but did not affect newspaper notices. I worked with the sponsor and removed those parts of the bill. The bill passed, but was vetoed by the Governor.

We're clear for another two years.

NEVADA

— A bill to allow publication of all public notices on government websites died in committee last month. However, its sponsor this week brought an amendment to another bill, this time to allow tax rolls to move to the internet. The deadline to move it out of committee is this Friday.

— A bill to remove all the detail from city and county quarterly financial reports, replacing it with a short notice listing only the total amount, has passed the Senate and is in an Assembly committee.

— Five other bills have targeted individual notices, such as storage-unit auctions and time-share foreclosures. For the most part, those have been amended to restore the notices — although a couple are still pending.

— Two bills actually add notices, but they're not particularly significant. One is on annexations and the other is on governments leasing buildings.

Session is scheduled to conclude on June 6.

NEW JERSEY

New Jersey's two-year session ends in December.

Although the sweeping bill we routinely encounter, "allowing governments to use their own websites, in lieu of newspapers," was moved by committee in both houses this session, the leadership of both houses said on record that the bills will not be moved for a full vote this session "due to the many concerns brought forward that remain unanswered."

The issue raised that seemed to resonate most during our meetings with legislators and the leadership:

The unanticipated costs for governments to enter/take-over the business of LEGAL public notification.

We made the case that it will cost most towns more than it does now via the existing combination of newspapers and NJPA's aggregated searchable website.

NEW MEXICO

NEW YORK

Our State Board of Elections managed to get our new Governor to insert language in the proposed state budget to repeal newspaper legal notice of proposed Constitutional amendments (they do this every time we get a new Governor). Once again, we got it taken out.

Then the county boards of elections got a majority member of the Senate and Assembly to put in a bill repealing newspaper notice of the statement of canvass (essentially, the official count of votes in each county). The Assembly Majority Leader stopped that for us, and it hasn't moved in the Senate.

The Association of Counties is asking for legislation enabling counties to choose whatever media they prefer for publication of notices. So far, no legislation to that effect has been introduced. Fortunately, the municipal groups have been fighting a bill we like that would "strongly encourage" them to post online or make available agendas and other meeting materials prior to a public meeting. They say it's too difficult and expensive to post meetings materials on their websites, thereby providing me with ammunition to kill their legal notice bills.

NORTH CAROLINA – The proposal to allow local governments to post notices on their own website [HB 472](#) was defeated by a vote of 21-10 in the House Government Committee.

In a later email: I (Beth Grace) may have spoke too soon – we have just learned a state senator here is going to pursue a statewide notices bill that smacks WAY too much of the Global Notices mess of a few years back and require all notices run on a statewide web site operated by a government agency in Raleigh.

NORTH DAKOTA

No challenges to existing public notice requirements. Picked up two new public notices without asking.

OHIO – [House Bill 95](#), which in its first draft would have removed all public notice requirements for utility rate filings and related public hearings, has now been amended to require two print notices. The House has passed the legislation and it has been sent to the Senate.

Additionally, the [budget proposal](#) includes language on public notices. The legislation permits governments to post notices online, when a website is available. It further authorizes the creation of a state-wide website for public notices. The proposal does include a "grandfather clause" for legal journals. The House budget proposal has been sent to the Senate.

Here are key provisions of the [public notice language that is in the budget bill](#):

- Governmental bodies at all levels can use an alternative to existing requirements when a website is available. The first print notice is a full notice. The second notice has to be at least 25% the size of the first notice and must contain Web links. The number of print notices is capped at two. Government also has an option of meeting the print requirement through the use of preprinted inserts.
- Papers must charge a "government rate" that can't exceed the lowest classified rate or insert rate that other advertisers would pay for such a placement.
- The definition of a "newspaper of general circulation" moves away from a mailing-permit requirement. This would allow free-circulation papers to compete for notices if (and only if) they meet standards of percentage of news-related content and can prove they circulate in that geography.
- The language now applies to state-level notices.

- The amendment retains the current exemption for all notices related to law journals. However, a “grandfather clause” was added. In language agreed to by Republican leadership, the exemption applies only to law journals in existence on or before July 1, 2011.

Language remains that authorizes the state to create a statewide website for all public notices. We have been in extensive discussions with the Kasich Administration on how this might work. We will have an opportunity to offer our ONA site, PublicNoticesOhio.com, as that site.

OKLAHOMA

In Oklahoma, two bills would have affected county legal notices.

The Senate bill would have put the notices on county web sites. It was defeated on the Senate floor by a vote of 43-3.

The House bill would have put those county notices on "newspaper" web sites. It merely said counties would "take bids" on those notices. It barely got out of committee and never got a hearing on the House floor.

No other major challenges to legal notices this year. And these defeats pretty much set the tone for future attempts that will eliminate notices.

Our session ends on the last Friday in May; less than two weeks to go.

OREGON

We had the broadcasters bring a bill that would allow an option to all public notices to have a "teaser" on the radio or TV but put the full notice on a website that the broadcasters association would manage. Even though our legislators thought that was comical, the cities and counties used it as a vehicle to try to add an option to that bill for notices to be put onto their websites. With good lobbying, we got that killed.

We had a bill pass the senate 30-0 in support of a bill that would expand means by which state agency may give notice of proposed sale of real property. The options would be publication not less than once a week for 3 weeks, posting on the internet, electronic mail, printed publication or communication, or a listing with a real estate licensee. We didn't win this one because our arguments beat theirs, we beat it because a legislator owed us a favor and had it killed.

We now have an amendment to a local budget law bill that has been added saying they can post them on the local agencies website. We are currently lobbying that and are cautiously optimistic that this will go away. We have only have a few weeks left in our session.

PENNSYLVANIA

In Pennsylvania, we are in the middle of a huge public notice battle as well. There is a hearing before the House Local Government Committee tomorrow morning, and multiple bills have been introduced in both houses that would allow local governments to post public notices on their websites only. Our local governments are really going for the “all or nothing” approach with most of the bills.

We have revamped our website, created new materials, including new ads, and are finalizing our “coalition” letter, for delivery today. We also prepared a letter, now signed by representatives of 76 daily newspapers and 123 weekly newspapers, opposing these bills. You can find the new ads at our website, www.savepublicnotices.org, and the letters will be up shortly. Our coalition letter is signed by the AARP, the League of Women Voters, Sierra Club, PennFuture, the Teamsters, and the Kitchen Table

Patriots. The Farm Bureau and AFL-CIO expressed support for our position, but did not sign on to the letter.

We have also provided a letter to members for their local chambers of commerce to modify and sign, opposing the bills. Several chamber leaders have signed it and sent it to legislators. Finally, some members invited employees to participate in letter writing campaigns to their legislators. Apparently, hundreds of letters have now been sent. We are expecting 50 or more publishers and editors to attend tomorrow's hearing. It should be interesting to say the least.

I'm sorry to say that we are at the beginning of a two-year session, so at this point, it doesn't seem like it's going to let up any time soon.

SOUTH CAROLINA

In S.C. we have been fighting a bill that would move legal notices from newspapers to county web pages. So far we have bottled it up in subcommittee, where they have adjourned debate. Right now we have to votes to kill it if it comes back up for a vote. We have done a head-to-head test with a county website and a weekly newspaper, and the newspaper outperformed the website by a 7:1 margin. This test has been very persuasive in talking to legislators. The session is wrapping up, so keep your fingers crossed.

SOUTH DAKOTA

In the 2011 session, we again defeated a bill that would have removed public notices wholesale from newspapers and put them online. Notices for all schools, cities and counties. This marks about the 10 consecutive year we've successfully fought this battle.

TENNESSEE

We are STILL up to our eyeballs in bills against public notice this year. Fighting a bill now that would reduce the number of required foreclosure notices and, as originally introduced, would have prohibited listing the property address and information in the notice. The one-time notice would have just sent folks to the Register of Deeds with a last name, book number, and page number. That's right -- citizens would have to physically drive to their county Register of Deeds office to find out about a foreclosure sale. It's up for vote tomorrow in our Senate, and we're cautiously optimistic that we have an amendment that will restore three notices. We do not have judicial proceedings for foreclosure here.

Select highlights from the 15-or-so public notice threats we've been able to fight off this year:

- A bill that would eliminate posting sample ballots five days before an election
- Remove the requirement to publish self-storage sale of property notices
- Allow the Secretary of State to determine what qualifies as a newspaper of general circulation for the purpose of publishing public notices
- Allow the Secretary of State to post public notices on its website in lieu of newspapers
- Allow local governments to post public notices on their myriad website in lieu of newspapers
- Allow local municipalities to mail, rather than publish, notices of annexations

And of course this is in addition to the 15-or-so additional bills that would have closed records and restricted newspaper delivery, etc.

TEXAS

In Texas, we've managed to fight off a number of bad public notice bills. They include bills moving self-storage unit notices to a website, reducing bid notices for counties, cities and school districts from two to one, moving all school district notices to the internet, and moving tax and budget hearing notices to the internet. That last issue is included in a bigger bill and the outcome is not clear yet. We also had a provision to let the state Department of Transportation decide how to handle bill notices amended, preserving newspaper notice but in an abbreviated form.

UTAH

SB 85, PASSED, Notice back in newspaper!

VIRGINIA

Virginia defeated several bills this year that encouraged alternative ways to satisfy the public notice requirements. But we know the Governor's Reform Commission is planning to attack RFP's in 2012 so we are gearing up for that fight.

WASHINGTON

In Washington state, we successfully turned back a pair of public notice bills that were proposed by the local government lobby. One sought to allow cities to suspend newspaper publication of some notices in their official newspaper and substitute posting them on the city website. Another bill would have given counties the authority to end ALL public notice publishing and post all county notices on a new site funded by the counties and maintained by the state. Hearings on these bills brought big crowds of unhappy publishers to Olympia.

WISCONSIN

Identical bills have been introduced in the Senate and the Assembly to put county unclaimed property notices on the County Treasurer's website.

These notices are in addition to the unclaimed property notices published by the State Treasurer.

The sponsors have agreed to hold the bills while I negotiate with the Treasurer's Association.

I am sure there will be more to come, but right now they are focused on all of the recalls that will take place this summer.

New Issues of note in 2011 (from PNRC)

Self-Storage Facilities

A new crop of bills have arisen to remove newspaper notice of abandoned property in a self-storage facility. See...

- Colorado {SB 39}
- Florida {HB 459}
- Texas {HB 1259}

In recent years, similar battles have been successfully fought in California and Wisconsin. A battle in Arizona last year resulted in notice of the default to now be sufficient through simply personal service instead of notice through both the newspaper and a notice mailed to the last known address of the occupant.

Government Notices

Another trend, bills to move government notices from newspapers to the web are once again being introduced around the country. See...

- Indiana {SB 322 & SB 562}
- Michigan {HB 4117}
- Minnesota {HF 705}
- New Jersey {A 2802}
- Oklahoma {HB 1971}
- Tennessee {bill to be introduced}
- Washington {HB 1818 & SB 5360/HB 1478}

Targeting Foreclosure Notices

- Tennessee

Targeting Procurement and Bid Notices

- Arizona
- Missouri