THE GRAND RAPIDS PRESS

Editorial: Proposed Michigan laws are assault on transparency

By The Grand Rapids Press Editorial Board

February 21, 2010, 9:00AM

AP File PhotoThe state Capitol in Lansing.A series of bills in the state Legislature would move important notices of government activity to less accessible locations, shielding them from easy view. The legislation is nothing less than an assault on government transparency. Lawmakers who care about fundamental tenets of open and democratic government will let the bills die.

The legal notices in question tell citizens about potential new businesses, changing regulations, taxes that may be forgiven, bid requests and a host of other important matters that immediately affect their lives and wallets. That is why current law requires that the advertisements appear in a newspaper "of general circulation."

But the bills would change that requirement. Instead of a newspaper of general circulation, cities, townships, counties, courts and others would be allowed to put the notices on their own Web sites, a newspaper's Web site or a public access television channel. This is just bad policy.

An alternate approach, also introduced in the Legislature, would require that legal notices be put exclusively online when a printed newspaper is not available. That is an idea worth considering.

The bills that would disregard newspaper notification are pitched as a money saver for struggling governments. But a 2009 survey of select Michigan municipalities found that legal ads on average comprised .05 percent — five one hundredths of one percent — of budgets, a small amount. Kent County, as one local example, spends about .06 percent of its annual budget on legal ads. Cities and townships have seen lawmakers slash state revenue sharing by millions of dollars in recent years. In light of those cuts, offering this paltry savings to distressed governments is almost an insult.

Neither is this a big-budget matter for most newspapers, which offer the advertising space at rates capped by law. For The Press, municipal advertisements constitute just .4 percent of annual advertising revenue. So as much as bill proponents may characterize newspaper push-back as just financial self-interest, it's not.

Public notification in print reaches a broad audience. It provides a permanent record that can be archived — a record produced and maintained by an independent, non-government source. And

it is secure. Nobody can hack the printed page. In addition, placement of government ads is a legal transaction. Newspapers provide affidavits of publication. The proposed bills would not meet that basic requirement.

If governments alone are relied upon to display notices, the information may well end up buried deep in Web sites where it won't be easily accessed or available. In the worst scenario, governments might intentionally obscure the notices to minimize scrutiny of controversial questions.

Not everybody uses the Internet. In fact, almost a third of people in the country don't surf the Net, according to the U.S. Department of Commerce. Putting legal ads exclusively online would be particularly harmful to senior citizens, minorities and those who are less educated. Census statistics show each of those groups relies less than other groups on the Internet.

Still, the Web is a powerful way to convey information. Governments should put legal notices online, and make sure they're obvious to average citizens. That digital presence should supplement, not replace, continued notification in print.

Besides, most newspapers, including The Press, already publish government notices online in addition to print. And the Michigan Press Association (MPA) has created a searchable database of legal ads from a majority of state newspapers. Find it at www.mipublicnotices.com. So, for lawmakers to call for these notices to be put online is a little disingenuous. And a little late.

A number of West Michigan legislators are behind this bad idea to "put public notices where the public won't notice," as the MPA, the newspaper industry's trade group, has rightly styled it. Chief among them is Rep. Joseph Haveman, R-Holland, a principal sponsor. Also on the sponsor list: Republicans Tom Pearce of Rockford, Justin Amash of Kentwood and Arlan Meekhof of West Olive.

These legislators talk a lot about transparency in government. Yet the bills bearing their names fly smack in the face of that important tenet.

If they want to keep public notices truly public, they'll start by killing these bills.

The Oakland Press (theoaklandpress.com), Serving Oakland County

Opinion

EDITORIAL: Bills will limit access to public information

Friday, April 30, 2010

A complicated series of bills pending in the state Legislature is, at best, misguided and, at worst, a blatant assault on the public's right to know.

House Bills 5845, 5847, 5848, 5853, 5916 and 5917 are pitched as efforts to save municipalities money. However, the savings will be minimal, if at all, and citizens' access to what their local governments are doing will be severely limited.

The six-bill package would allow cities, townships, villages and county clerks to satisfy the requirement of publishing legal notices in a newspaper merely by posting the announcements in one of three ways. One way is on a municipality's website. Another is posting on the website of a newspaper and the third is placing them on a public education and government channel.

These bills have many problems.

First, not everyone in a municipality may have access to cable television or a computer, both of which are needed to view legal notices through one of the three options.

Also, there's the question of how much money a community will actually save. A check of various municipalities across the state by the Michigan Press Association in fall 2009 showed that the cost of these notices constituted, on average, only 0.0005 percent of a general fund budget.

Yet, there will have to be staff members assigned to post the notices online and with the cable channels. And these employees don't come cheap.

But the larger issue is that these notices are legal documents. Any notice published on a government-run website would open the door to legal challenges because of the lack of ability to prove publication. An ink-on-paper, hard-copy notice published in an independent publication provides such proof.

This proposed package of bills would eliminate due process for the taxpaying citizens in the communities that decide to opt out of putting their notices in local newspapers.

We are disturbed that several Oakland County legislators are co-sponsors of one or more of these ill-advised and freedom-of-information stealing bills.

The local representatives who should know better than to support this legislation are: Vicki Barnett, D-Farmington Hills; Tom McMillin, R-Rochester Hills; Marty Knollenberg, R-Troy; James Marleau, R-Lake Orion; and Gail Haines, R-Waterford Township.

Rep. Eileen Kowall, R-White Lake Township is officially still listed as a co-sponsor but she tells us she is undecided.

We hope that translates into a "no" decision soon. Also, Peter Lund, R-Shelby Township, in Macomb County is the main and only sponsor of two of the bills.

All of these legislators need to seriously rethink their positions and help kill the bills.

Also, on May 12, the House Judiciary Committee will conduct hearings on this legislation. Several local representatives on this committee would also serve their constituents well if they reject the bills. These legislators include Lisa Brown, D-West Bloomfield Township; Eileen Cogen-Lipton, D-Huntington Woods; Marc Corriveau, D-Northville; Tory Rocca, R-Sterling Heights; and Kowall.

We're greatly disappointed in these legislators for supporting these bills, but their backing doesn't have to continue and we strongly urge them to change their positions.

In the meantime, Oakland County residents should also contact these leaders to let their opposition be strongly heard.

Good Morning

Ironically, sometimes it's easy to overlook something that is black and white and staring you in the face.

URL: http://www.theoaklandpress.com/articles/2010/04/30/opinion/doc4bd8eb9eaf757385248653.prt

© 2010 theoaklandpress.com, a **Journal Register** Property

HOMETOWNlife.com

Publishing notices ensures true goverment transparency

February 25, 2010

There is a move afoot in the Michigan House of Representatives that, if successful, will eliminate the requirement of municipalities to publish legal notices in newspapers. Instead, the sponsors of a six-bill package say it would be sufficient for municipalities to post the notices in the clerk's office and on one of the following: the municipality's Web site, on a public, education or government (PEG) channel broadcasted in the municipality, or on a newspaper's Web site.

The legislation comes after heavy lobbying by the Michigan Municipal League, which represents 538 cities, villages and urban townships. The MML feels paying to place legal notices in newspapers is a burden its members just can't afford, particularly at a time when most cities, townships and villages are having to cut back because of the economy. In essence, they feel it is an unwarranted expense, and there are obviously some in the Legislature that agree.

We couldn't disagree more. This is a bad idea, on many different levels.

It might seem self serving for us to be arguing against this idea. There is no doubt that it would eliminate a source of revenue for not only us but nearly every newspaper in the state. However, there are numerous reasons that municipalities should continue publishing important government notices in newspapers.

First and foremost, this legislation would curtail the public's right to know about important government actions in their community, such as zoning and ordinance changes, public hearings, etc. Publication of these important government legal notices helps provide public oversight of these important matters.

The MML and many local officials argue that posting the information on their Web sites is sufficient public notice, but what about for the elderly or those with lower incomes who have little or no access to the Internet? Do they count less?

Continuing to publish these notices in newspapers, which are an independent source of information and accessible to everyone, ensures public oversight of the important matters that impact communities. The fact is newspapers have long been and remain the main source of local news. They help hold government officials accountable. Just ask Kwame Kilpatrick. If it were not for the Detroit Free Press, it is likely he would still be in office today.

It is not that we are opposed to governments posting notices online. In fact we encourage them to do so — in conjunction with posting the notices in newspapers. There is nothing in the current law preventing them from doing both.

We think the MML and the authors of this legislation are selling their constituents short. The public understands why this is important. In fact, the cities of Trenton and Wayne put this very issue on the ballot back in November, and their residents overwhelmingly rejected it by a wide margin.

Yes, municipalities could save money by not having to publish the notices. But how much? According to the Michigan Press Association, a check of various municipalities across the state last fall showed that these notices comprised on average 0.0005 percent of a general fund budget.

We think that is a small price to pay to keep residents informed about important issues that affect our homes, neighborhoods, schools and jobs. And at the same time help ensure there

Advertisement

Print Powered By FormatDynamics

HOMETOWNlife.com

remains a strong, independent voice holding government officials accountable.

There is no doubt that government, from the state right on down to the local municipalities, need to enact reforms. That shouldn't begin with reducing transparency and public oversight.

Advertisement

Print Powered By FormatDynamics

February 25, 2010

Public notices where the public won't notice

Here we go again.

Government officials are once again attacking the newspaper industry and doing so under the guise of saving money.

State Rep. Doug Geiss (D-Taylor) is among the group of legislators sponsoring legislation to allow municipalities to issue public notices online rather than in print.

The proposal, according to him and Dan Gilmartin of the Michigan Municipal League, would allow municipalities to save money and it would increase government transparency at the same time.
They couldn't be more misinformed. It will do little of the former and none of the latter.

The idea, we're told, originated in part in the City of Romulus-one of the communities where we are the newspaper of record. Officials in Romulus are looking at every way they can to reduce the budget in the face of future revenue shortfalls. Last year, they budgeted $25,000 for legal notices and spent $20,000 of it. That is one-tenth of one percent of the annual city budget. It has a far bigger impact on us than it would on them.

Reducing the ways people can find legal notices will in no way increase government transparency. How can any thinking individual even make that argument?

We understand that society is transforming into a more digital age, but relying on the internet for these public notices is unfair and does not take into consideration legal implications, nor the accessibility issues of non-computer users.

But we stress, these are legal documents. They must be protected by an independent, printed record which cannot be manipulated or altered in any way. That cannot be done in a municipal office where the documents originated or on a vulnerable website.

Even the Department of Defense, where safeguards and cutting edge firewalls protect national secrets, was hacked recently and plans for a jet downloaded.

Sure, there is a revenue aspect to this issue, but not a large one. Legal notices are like textbooks. Nobody will get rich off them, but they serve a purpose. In communities where we serve as the newspaper of record, our rates are as low as possible. There is no profit margin there, but in an industry that has taken as many-if not more-hits than any other, every little bit helps keeps the lights on and insures an impartial source is not only publishing legal notices, but looking into the issues behind them, keeping an eye on government actions.

In the City of Wayne-another municipality where we are the newspaper of record-voters rejected a ballot proposal last year that would have allowed the city to publish notices on the web site. The irony there is the city pays so much above the market rate for its web site that they could save the cost of legal notices and much, much more if they merely bid that service out.

This legislation won't protect taxpayers or save jobs. It will hurt an industry that is already suffering and reduce government accountability at a time when it is more crucial than ever.

http://www.journalgroup.com/Opinion/10758

Editor's Corner

Phyllis McCrossin

Will online be the demise of local newspapers?

I've often had people ask me how the paper is doing. I'm assuming with the demise of many of the larger dailies in the state as well as throughout the nation that people are wondering what is going to happen to their local newspapers – and I'm not speaking only of the Gratiot County Herald.

Community papers, for the most part, are doing okay. We'd do better without the help of legislators.

I don't normally involve myself too much with the sales side of the newspaper. It can be likened to the separation of Church and State, and I try not to mix the two – sales and news that is. But as so often happens, the two are pretty much intertwined. So I find myself torn between mentioning the legislation that was introduced earlier this year that would cut a major source of newspaper revenue significantly or staying out of the foray.

But guess what? My livelihood depends on the sales of newspapers.

I've entered the melee.

The legislation would allow Michigan communities to issue public notices online instead of in print publications. The measure, which is supported by the Michigan Municipal League, is seen as a cost-saving measure.

One of the arguments is that because of cost-saving measures media outlets are supplementing or replacing traditional newspapers with online e-news and municipalities could do the same.

I don't necessarily agree that online e-news is being embraced by newspapers as a cost saving measure. I see it as a cause of the demise of newspapers. Why read the print on ink newspaper when you can read it online?

That works to a point.

Want your national news, national sports and minute-by-minute weather reports? Hey, limber up the fingers, type away and find it online.

Want to know how the local Quiz Bowl team has finished the season? Want to find out when the local Quilters Guild is meeting? Want to find out about local high school sports, the local government or school board? You're going to have to look to the local newspaper for that.

That's my soapbox for print publications.

As for the publishing of legal notices online, I have a few questions.

Where are these legal notices to be posted? On the city's Web sites? On a central government Web site? How easy will this be to navigate? What about people who don't have internet connection?

Aren't these legal documents? If the ads are posted on a Web site are they still considered legal documents?

How much money will municipalities save? Will they have to add additional staff members to post them to the Web, or will the responsibility fall on a staff member?

The Michigan Press Association is, understandably, against the measure. I've been copied in on a few of the e-mails going back and forth and have been reading with interest what people with more years in the business have to say about it.

The bill was referred to the House committee on Judiciary and, according to the MPA probably won't come up for a hearing until April.

In the meantime, I'll be watching with interest to see what happens.