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# Legal notice proposal to hit Arizona House Monday

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Posted: Sunday, March 17, 2013 12:01 am

By Howard Fischer Capitol Media Services | 0 comments

PHOENIX—A new legislative proposal on publication requirements for legal notices could pit large papers against small ones and dailies against weeklies — all at a potential higher cost to taxpayers.

Rep. David Stevens, R-Sierra Vista, said, like many of his colleagues, he remains convinced that notices would get far more attention if posted online than tucked in the back of newspapers. But Stevens said he also has listened to arguments by newspaper publishers and their lobbyists that actual physical publication reaches the most readers.

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Stevens proposes to mandate that such notices must be published in the newspaper with the greatest circulation in the affected area. And that is more likely to cost more than advertising in a limited circulation publication.

"The goal is to get the information to the most people as possible in the area," he said.

"If the intent of what we put in statute and the Constitution a number of years ago was to notify individuals of that area, it doesn't make sense to find the smallest," Stevens explained. "You want to find the largest medium of information distribution."

Stevens will trot out his plan on the House floor on Monday, seeking to tack it on to HB 2483, a related

measure dealing with publication requirements.

Paula Casey, executive director of the Arizona Newspapers Association, said she has not had a chance to see exactly what Stevens is proposing and could not comment.

That won't be the only legal notice issue up for debate.

Rep. Warren Petersen, R-Gilbert, will get one more chance to corral the votes for his measure that would allow all counties and cities of more than 100,000 residents to stop buying newspaper legal ads at all. Instead, HB 2533 would permit them to instead post those notices on a Web site.

A vote last week left Petersen short of the 31 votes he needs for final approval.

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Petersen is spotlighting the question of cost of publication to taxpayers.

Stevens, however, said that's not his focus.

He said everything government does involves some sort of cost. The issue is whether tax dollars are being used to provide the services that people want.

"I'm going to the intent of the statute and the constitution: to notify the citizens of the state," Stevens said.

He said newspaper lobbyists have said they should be "the standard-bearer" of this kind of information.

"I'm OK with that," Steven said.

"But they also said, 'We want to give it to as many people as possible,'" he continued. "So I'm taking the arguments they made and putting it into statute."

What Stevens wants goes far beyond the scope of Petersen's legislation, which affects only public notices by government of things like rezoning hearings, elections and requests for bids. Stevens said his requirements would extend to notices now legally required for everything from formation of a corporation to statements by an individual declaring he or she is no longer responsible for someone else's debt.

That still leaves the question of cost to those required to publish those notices.

In general, larger-circulation papers charge more for their advertising space than smaller ones. So a move from a limited-circulation weekly to a metro daily likely means someone will have to shell out more dollars to meet the same legal requirements.

Stevens said he can't help that. But what he can do is freeze what papers could charge for their ads.

"We're giving them a monopoly," Stevens said of the larger circulation papers. "If I say 'You can only go to your house to buy something,' you have the ability to jack the price up because you can't legally go anywhere else."

That part of his proposal is likely to provoke heartburn from some of his fellow Republicans.

"I do not like us telling people what they can charge for services," complained Rep. John Allen, R-Scottsdale.

Stevens, however, defended the provision. He said it does not force newspapers to roll back advertising rates but simply says they can charge in the future no more than what they are charging today. And Stevens said that, based on comments from publishers about how important the legal advertising is for them, he doubts any paper, given a guaranteed source of revenue, would reject it because the allowable rates are insufficient.

Anyway, Stevens said, if newspapers are unwilling to have the state dictate a price, then the state should get out of the business of dictating that people have to publish notices.

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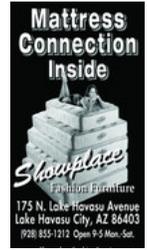
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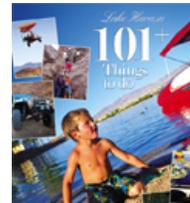
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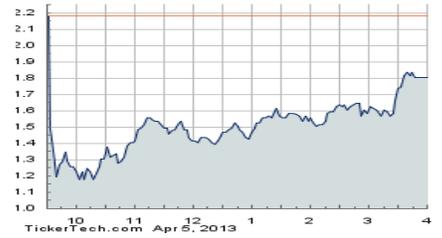


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