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Bo Watson shifts gears on public notices

By Andy Sher

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NASHVILLE — A Hamilton County lawmaker is reassessing his sponsorship of a Chattanooga-backed bill aimed at putting local municipal and county public notices on government websites instead of newspapers.

Sen. Bo Watson, R-Hixson, said he is instead exploring statewide legislation that has similar goals.

It would ultimately put notices online provided, Watson said, he can address issues of having them independently published, verifiable, archivable and accessible to the estimated one third of Tennessee households without computers.

“Until I am comfortable in addressing those, whatever legislation might emerge has to address all of those,” Watson said. “I just don’t think it [the city proposal] gets there. But it was a great starting point to learn more about what the concerns were with that legislation.”

Watson said he continues to believe that given increasing use of the Internet and technological changes, the Internet can provide a better and less expensive alternative for notices.

Notices provide the public information about city and county governing bodies’ public meetings as well as zoning matters, public purchases and other areas.

On Tuesday, the Senate State and Local Government Committee held a sometimes-contentious hearing on Watson’s bill and similar legislation by Sen. Stacey Campfield, R-Knoxville, affecting Knox County.

Watson and Campfield sparred with the Tennessee Press Association, which represents 126 paid-circulation newspapers including the Chattanooga Times Free Press, as well as the Tennessee Coalition for Open Government, an advocacy group. The groups oppose the bills, which were shuttled off for study after the legislative session.

Campfield questioned continued publication of legal notices in newspapers, arguing the current law requiring newspaper public of public notices amount to a “subsidy” for an industry losing subscribers because of technological change.

Noting efforts by governments to cut costs, Campfield said, “I can’t necessarily say that we’ll be able to find a solution that will keep subsidizing the newspapers if their product is not working anymore.”

TPA President Jeff Fishman, publisher of The Tullahoma News and vice president of Lakeway Publishers Inc., said all states have laws regulating public notice. They are “designed to ensure

that people within a community receive important information about the actions of their government,” he said, noting local newspapers are the “preferred venue.”

Notice must be published by an independent party, Fishman said, adding the publication must be achievable, be accessible and verifiable for court purposes.

“If any of these elements is absent, the public loses and the notice itself may be challenged,” he said.

Tennessee Coalition for Open Government Executive Director Frank Gibson said providing proper public notice “is the most vital action of government transparency.”

He cited figures from Connected Tennessee, a government-funded organization that deals with technology issues. They show that while 75 percent of the state’s 2.5 million households have a computer, the remaining 25 percent amount to 630,000, Gibson said.

Only 27 percent surveyed said they interacted with a local government website, Gibson said, while the survey showed 62 percent relied on newspaper websites.

In Hamilton County, 79 percent of the 151,000 households own computers but 32,000 don’t and “would be denied easy access,” Gibson said.

He said statewide, 45 percent of households — 1.1 million — buy newspapers. Adding in monthly unique visits to websites is another 36 percent of households for a combined readership of 81 percent, according to Gibson.

Campfield questioned how many people actually read public notices in print or online.

Watson said some centralized location maintained by an independent entity might be considered, similar to what the Tennessee Press Association has on its own website.

Quoting from the Tennessee Press Association’s description of newspapers as independent watchdogs government, Watson suggested newspapers could take it “upon themselves as their responsibility to the citizens” to post “in the newspaper exactly the website where all these public notices” can be found. That could remedy problems, Watson said.

Replied Gibson: “Not for those people who don’t own a computer.”

Watson’s bill would have required county clerks to maintain public notices for those without Internet service.

He later said he would like to know the percentage of the population that “has the same limited access to the print media.”

State and Local Government Committee Chairman Ken Yager, R-Harriman, said as many as 44 percent of residents in rural areas don’t have or use a computer. He said he worries “we’re shutting people out from public notice.”

While complimenting Watson and Campfield for bringing up an “important issue,” Yager said, “I also think this bill is a few years ahead of its time. We’re not ready for this.”

Chattanooga Mayor Ron Littlefield's spokesman, Richard Beeland, later appeared surprised that Watson is looking for an alternative to the city-pushed bill. Beeland said he needed time to "digest it" before responding.

The bill would save local governments in Hamilton County about \$250,000 annually, said Beeland, who noted he wants to see the Connected Tennessee survey.

"Who are they?" he asked, going on to note, "people don't all have a newspaper either."