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Ken Yager: Public notices should be available to everyone

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The issue of whether local governments should post public notices on their own internet website is a question that was discussed more than once in the Senate State and Local Government Committee during the 107th General Assembly. The issue is sure to come up in the 108th. Local governments, looking for ways to reduce expenditures, are suggesting that they can save money by posting notices on their respective websites rather than posting the notice in the local newspaper.

Before coming to the Senate in 2009, I had the privilege to serve as a county executive for 24 years. My experience in local government gives me a greater appreciation for the importance of this issue. The

cost of running a public notice is an investment, not a mere expenditure. Using an independent agency - the local newspaper - builds integrity in the process. To give even the appearance of manipulating mandatory public notices tarnishes the already tattered reputation of government because it undermines the concept of independence and transparency.

Tennessee law currently requires that many public notices be published in a newspaper of general circulation, a concept as old as the Republic itself. The precedent was set by the first Congress in 1789 and later in Tennessee's first Constitution.

For example, the legislature requires public notices be given on a variety of critically important subjects: government meetings, bid announcements, notice of parental termination, foreclosure notices, public sale of private property, back tax notices, estate notices and zoning changes, to name a few.



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Although diverse, these examples and other notices have a common thread: the public's right to know on matters that significantly affect them.

Printing public notices in a local newspaper of general circulation creates a permanent record and, most importantly, preserves the integrity of the notices by requiring that an entity separate and apart from the government

print the notice. However well intentioned, shifting the responsibility for printing public notices to the government's own website raises the specter of manipulation further eroding public confidence.

Local governments struggle financially and understandably are looking for ways to decrease expenditures. But to suggest that shifting notices to their own website in lieu of the newspaper could have disastrous consequences adversely affecting the public's right to know.

But communications have changed. The internet is becoming the source of information for many people. In a decade most homes will have access. Currently, however, only 40% of the populace has access to a computer in the rural areas of Tennessee. In my district, less than a third of households in one county have access to broadband internet. Moreover, a survey by the Fiscal Review Committee staff showed that over a third of the 455 county and municipal governments in Tennessee do not have websites.

Rep. Ryan Haynes (R-Knoxville) and I have filed a bill that both will preserve the independence of the public notice and will recognize the growing use of computers. Senate Bill 461/House Bill 1001 will require Tennessee newspapers which print public notices to post them on their website as well. The bill also requires that every newspaper will have to post on their website homepage a link to the public notice section and another link to a statewide website. This system will ensure the widest distribution of public notices. But most importantly, notices will be published by those who are independent of government and who are responsible only to the people who read their news reports. And, this measure comes with no extra cost to the local government.

Our bill combines the best of both worlds. It keeps public notices in places where more people can and will find them. That promotes government transparency and public trust. You cannot put a dollar figure on it, but we cannot afford to lose it.

Sen. Ken Yager is a Republican from Harriman in his second term in the state Senate. He is chair of the Senate State and Local Government Committee.

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