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Posted: 6:03 p.m. Saturday, March 23, 2013

## Keep public notices public

By Editorial Board

When Internet search engines rewired up to full throttle this decade, they put a wide array of information at your fingertips anytime you wanted to call it up. Like wonderments throughout the ages, however, wise consumers knew to exercise caution in digesting the information.

The proliferation of websites — especially government websites — can be valuable sources of information, but they can be used to give the appearance of transparency without actually delivering it. Not all government websites are easy to navigate.

No matter how advanced the technology, there's only so much room on the portal forcing somebody somewhere to exercise judgment on what's worthy of highlighting and what content is downplayed.

The side rails on those websites promise to take you where you want to go but can lead the unwary into a maze of information from which you can emerge knowing little if anything.

But the information is there ... somewhere. Those with the time, patience, computer skills and a little luck will find what they're looking for — eventually.

Over the past several years, local governments have been asking the Legislature to release them from the obligation of printing certain public notices in newspapers. House Bill 335 by freshman State Rep. Jonathan Stickland, R-Bedford, is the current version. Co-sponsored by Republican state Reps. Jason Villalba of Dallas and Charles Perry of Lubbock, the bill is simple, easy to read but it would be a mistake to adopt it. The promise of economy is alluring, but the savings it offers come at a price.

The price is that now the governing bodies in the local political subdivisions — including cities, counties and school districts — control where on the website notices of tax increases or other pending decisions they are now required to publish in newspapers.

Ex-state Rep. Rob Eissler, R-The Woodlands, sponsored a bill in 2011 that freed school districts from the requirement to publish a report on the school district's fiscal health "in a newspaper of general circulation in the district" Eissler's bill would have also lifted a requirement that school districts publish reports of academic performance in general circulation newspapers.

Stickland's bill extends the idea much further. "A political subdivision may satisfy a requirement in any other law to provide notice by publication in a newspaper by posting the notice on its Internet website continuously from the earliest date provided for in the requirement until the day after the date action for which notice was required occurs."

What we said about Eissler's bill in 2011 still applies:

"Granted, technology has changed over the years, but human nature hasn't. Giving districts more authority over how sensitive information is to be distributed is an invitation to obfuscate or bury obscure financial and academic performance information that should be given the widest possible distribution."

Governments aren't obliged to tell it any way but their way. Technology can provide access to information, but doesn't guarantee ease of access or accuracy. There are different types of information — listings aren't in the same category as news reporting, for example, but both are useful in helping consumers make decisions. Information without context, however, is to understanding what a mirage is to water.

Please note that writing this is awkward. There is an element of self-interest in that newspapers don't publish these notices for free, but the revenue generated by the public notices is 1 to 5 percent of a Texas newspaper's income, according to the Texas Press Association.

Government bodies pay the lowest classified rates to publish the notices. Political subdivisions could always publish those notices on newspaper websites if they are truly concerned about declining print circulation.

Supporters of the bill like to pound on the monetary interest that newspapers have in the legislation, but that doesn't calm legitimate concerns about how local governments how or where on their websites local governments will present the information they are now required to publish in Texas newspapers. The NAACP, AARP and contractor organizations have expressed opposition to the bill. Not everyone has access to a computer, after all, and solicitation of bids for contracts can be tucked away to favor potential bidders with the right connections.

And by the way, ponder the last time you called a government office with a simple question as you contemplate this issue.

Times being what they are we might miss the money for a while, but taxpayers would run the risk of being left to grope around in the dark for information about how their governments are working — or not. Stickland says he's trying to save taxpayers money and we have no reason to doubt his sincerity, but his bill represents a retreat from the concepts of government transparency and accountability.

Stickland's bill is now pending in the Technology Committee. That's where it ought to stay.

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To read Stickland's bill, go to


[www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=83R&Bill=HB335](http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=83R&Bill=HB335)

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- Posted by adamson at 7:13 p.m. Mar. 23, 2013
- Report Abuse

The Statesman, just like most Austin voters, want to maintain their places on the government gravy train. Poorly-informed voters who say "yes" to every proposal thrown at them, no matter how wasteful or unconstitutional, are ill-served by a newspaper which endorses every tax and bond measure in order to stay on the bureaucracy's good side.

Quid Pro Status Quo.



- Posted by Chalk32 at 6:42 a.m. Mar. 24, 2013
- Report Abuse

Notices required by statute like school report cards are newsworthy stories and should be reported. You just want local governments to use tax payer monies to pay your salary. Shame on you. Just more wasteful spending.



- Posted by kenman1 at 9:24 a.m. Mar. 24, 2013
- Report Abuse

You want public notices kept "public"?

NO NO NO NO NO NO NO NO NO NO NO NO NO NO NO !!!

Sincerely,

People with hidden agendas...



- Posted by Claire\_Standish at 2:46 p.m. Mar. 24, 2013
- Report Abuse

1) Our editorial board would praise, not bury, the Legislature for giving choices on public notice procedures if newspapers didn't have a monopoly on legal notices.

2) Any business would take seriously the potential loss of 5 percent of their gross proceeds.

3) How many folks read the legal notices in the Statesman? Just a small number of your daily readership, and your daily readership is 125,000 out of a metro population of 1.8 million.

4) Your best arguments:

-- a) newspapers are important enough subsidize them with public funds, conflicts be damned.

- b) legal notices are hidden i) in agate type, ii) within your poorly read classifieds, iii) in a paper that few read, thus helping secretive scamps trying to minimize notice;
- c) it's the way we've always done it.

5) You are being 21st century Luddites as you trash-talk the internet. The internet is here to stay; not so newspapers in their current form. Cox recently tried, for a year, to sell the Statesman with no luck.

6) "Not everyone has access to a computer...." Legal notices are for everyone, not just the poor and aging. The vast majority of Austinites have access to the internet with computers, tablets, cell phones, and libraries. Compare the 98.6 percent of Austin area residents who don't get the paper.

7) While 125,000 people read the Statesman daily, 1,566,000 of us own cell phones, more than half of them smart phones. 861,300 of Austin-area cell phone owners use them to access the internet. To add to your misery, about 558,000 Austin area residents own tablet computers, and virtually all are used for the internet.

4 Comment(s)

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