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Legal notice publication frequency mandates could be slashed in half

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1:39 pm, Thu Mar 28, 2013.

Posted: Wednesday, March 20, 2013 11:11 am | [Updated:](#)

By Howard Fischer Capitol Media Services | [0 comments](#)

State lawmakers are moving to cut by half what cities and counties have to pay to publish their legal notices.

The measure approved 31-27 Monday by the House actually would totally eliminate the need of all counties and cities of more than 100,000 to buy space in newspapers for their notices. Instead, they would be able to put the information online.



But Rep. Warren Petersen, R-Gilbert, was able to line up the votes only by promising to alter the measure when it now goes to the Senate.

First, Petersen agreed to what he called a 50-50 rule.

"As I understand the law, if it's a daily notice it has to be published four times, four days in a row, for a city or county," he said. "If it's a weekly notice it has to be published two weeks."

The promised modified version of HB 2533 would slash those publication requirements in half, meaning just two daily or one weekly notice. In exchange, cities and counties wanting that reduced mandate would also be required post the same

notices on a web site.

Second, Petersen said the final version would apply to all cities, no matter how small, allowing all of them to take advantage of the reduced publication mandate.

The legislation still drew some opposition.

"Transparency can't be 50-50," said Rep. Lisa Otondo, D-Yuma.

She said the legislation undermines the intent of the publication requirements which is to have an outside third party ensure that notice is given. And Otondo, seeing this as a first step toward totally eliminating newspaper publication, said web postings cannot be archived in the same secure ways as an actual ink-on-paper notice.

And Rep. Bruce Wheeler, D-Tucson, said the complaints about the cost of publishing to taxpayers are overstated. He said the total annual publishing bill for all the counties was less than \$380,000 out of total budgets of \$6.3 billion.

In a separate vote, the House rejected HB 2483, what could be considered an alternate proposal by Rep. David Stevens, R-Sierra Vista, to keep the publication requirements but mandate that those notices go into the largest circulation newspaper in the affected area.

Stevens said he has found some legal notices in the Phoenix area put into a weekly with a paid circulation of just 48. He said that undermines what should be the intent of publication: Give as much notice as possible to people in the area.

"If that's not the intent to notify the citizens, let's get rid of it altogether," he said.

To keep the monopoly paper from gouging, the measure included language to freeze the prices for legal ads at the rates they were at the beginning of the year. That idea of government price fixing drew opposition from several Republican lawmakers.

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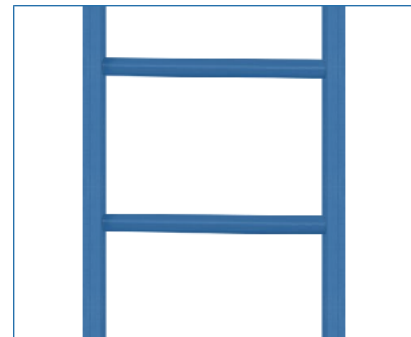
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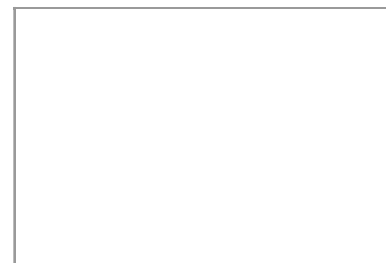
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