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Public notice bill passes Senate

Open government advocates, newspaper industry objected

By Wes Wolfe, Kinston Free Press

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S.B. 287, a bill sponsored by Sen. Trudy Wade, R-Guilford, passed the N.C. Senate 26-23 on second reading earlier this week.

Sen. Norman Sanderson, R-Pamlico, voted against the bill.

The bill allows a select group of local governments to opt out of posting public notices in newspapers, which is required by law. Public notice advertisements generate revenue for newspapers and are regarded by open government advocates as a necessary part of government transparency.

The counties of Burke, Graham, Guilford, Haywood, Jackson, Macon, Mecklenburg, Swain, Union and Wake could end public notice advertisements, along with the City of High Point and the towns of Morrisville and Cary. The legislation also affects all municipalities in those counties with the exception of the Town of Rolesville.

Wade filed a bill that would take this policy statewide, but it failed to gain traction.

The bill's advocates say it provides financial flexibility for localities, which could post public notices on their own website.

"It's about government efficiency and government choices," Sen. Tammy Barringer, R-Wake, said during the debate.

But debate over the bill had its testier moments.

Sen. Tommy Tucker, R-Union, said, "I am the senator. You are the citizen. Now be quiet," to N.C. Press Association President Hal Tanner III during discussion of the legislation in committee. Tanner is the publisher of the Goldsboro News-Argus.

Sen. Bob Rucho, R-Mecklenburg, argued people don't read the notices in their local newspaper, so it didn't matter whether newspaper print notices.

"Nobody reads that part," Rucho said, quoted by The News &

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Observer. "Let's be frank about it."

Sen. Jim Davis, R-Macon, quoted by WRAL CBS-5, said governments shouldn't be paying money to newspapers and some coverage of the debate was inaccurate.

"North Carolina should not be part of the business model for newspapers in this state," Davis said.

He later added, "If you're going to believe everything that's in the newspaper, you're going to be ill-informed."

Writing in the Wilmington Star-News, Sen. Thom Goolsby, R-New Hanover, explained why he was voting against the legislation.

"The public has a right to know what its government is doing," Goolsby wrote. "Whenever officials and bureaucrats line up to tell you that they want to save you money by obscuring their activities, you should be wary."

"In its current form, this bill is a bad deal."

In all, six Republicans broke from their party and voted against S.B. 287, including Sen. Louis Pate, R-Wayne, who said, "My district is heavily rural, I'd guess you'd say, and I'm not sure that we've got Internet access for everyone and I'm not sure that everyone wants internet access."

"As for going on a computer and viewing notices that may be electronically printed on a town website or county website or something like that, probably, in this case, that might not apply."

The entire Senate Democratic Caucus voted against the bill, as well.

"Our members listened to the debate, the discussion, and had a compelling interest to vote against the bill," Sen. Don Davis, D-Greene, said. "Part of what was shared in the debate was how we ensure that residents — even in communities that may not have internet access — that they are adequately notified of public matters."

S.B. 287 received a third reading Tuesday and moved to the House of Representatives.

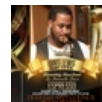
In the House, another bill — H.B. 723 — would require newspapers to also post public notices online, but keep the printed advertisements. The bill has the endorsement of the North Carolina Press Association, and is similar to legislation in other states, like a bill passed nearly unanimously by the Tennessee General Assembly and signed by Gov. Bill Haslam on April 15.

No action has been taken on H.B. 723 since it was referred April 11 to Subcommittee B of the House Judiciary Committee.

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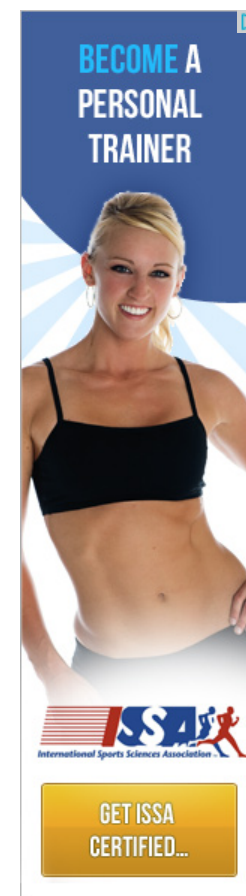
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