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Casa Grande Dispatch

Business News

At the Capitol: Bill would eliminate new business notices

By HOWARD FISCHER, Capitol Media Services

PHOENIX — Saying it will promote economic development, a House committee voted 7-2 Thursday to eliminate the requirement for many new businesses to publish legal notices.

HB 2447 requires the Arizona Corporation Commission to set up a special website where new firms can “publish” their articles of incorporation and similar documents. More to the point, doing that would override the current law that says these notices must be published three times in a commercial newspaper in the county where the company does business.

At this point, the legislation would affect only companies setting up shop in the two largest counties.

That is designed to address concerns that residents of some rural areas might not have the same access to the Internet to look up these records. Potentially more significant, similar measures have been beaten back in prior years when rural lawmakers have responded to complaints from local publishers that the loss of the revenues could damage or even kill their publications.

But once the commission sets up the new website it could make it easier for lawmakers to repeal publication requirements for businesses set up outside Maricopa and Pima counties.

“We are trying to make sure that we make things as easy as possible for anybody that wants to start a business here in Arizona,” said House Majority Leader Steve Montenegro, R-Litchfield Park, sponsor of the legislation.

Scot Mussi of the Arizona Free Enterprise Club told members of the House Committee on Government and Higher Education the time is long past for Arizona to require new companies to pay to publish notices of incorporation.

“Most other states have moved away from a requirement of posting notification in a newspaper like this when they start up a company,” he said. “In fact, we’re the only Western state that has a specific requirement for a startup like this.”

The vote came over objections from publishers who would be affected.

In a prepared statement, Ginger Lamb, vice president of the Arizona News Service, which publishes the Arizona Capitol Times, said her paper does more than print notices. She said it maintains its own searchable database as well as putting the information into a larger one maintained for all newspapers statewide by the Arizona Newspapers Association.

By contrast, she said HB 2447 requires the Arizona Corporation Commission to have such a database available for only 90 days.

After that it does go into an existing database of all corporations. But that database for the moment can be searched only by the company’s name and not by either date or community of incorporation.

Lamb also told lawmakers that, for all the advantages of Internet publication, they are ignoring a real flaw.

“Newspapers can’t be tampered with,” her statement said, with publications providing a signed and notarized affidavit of publication.

“And we also have bound editions of the newspapers in our office to prove publication occurred if an issue arises in the future,” she said.

But Lamb, in the statement read into the record by lobbyist Michael Preston Green, conceded a self-interest in killing the measure.

“We will lose jobs if this bill would pass,” she said. “And more than 30 jobs will be lost around the state.”

Tom Lee of Wick Communications, which publishes papers in Pima County as well as rural areas, said the legislation goes against the stated claim of many lawmakers that they are in favor of smaller government. Lee said the cost of such notices, which he pegged at \$65, mostly just covers the costs, including preparing them for the statewide database.

“How much is it going to cost taxpayers?” he asked. “And why would we want to shift the job currently being done by the private sector efficiently and cost-effectively from the private sector to government at the expense of private sector jobs?”

Tom Forese, a member of the commission, acknowledged his agency is pushing a separate measure in the Senate for a \$2 million appropriation for technology. But Forese said he believes what this legislation proposes can be done without any additional tax dollars and without imposing any new filing fees on businesses.

Rep. Chris Ackerley, R-Sahuarita, voted with the majority to advance the measure. But Ackerley said the legislation ignores the fact there are large areas of Pima County which also are rural and lack high-speed Internet access.

The measure now needs a vote by the House before going to the Senate.

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