

A4429 (Prieto/Bramnick) and S2855 (Whelan/Doherty)

CONCERNING PUBLIC NOTICES

Although sponsors have described the bill as a “no-brainer” for saving government money, upon closer examination of this complex issue we hope your decision on the bill will be to vote NO. The following are several concerns about the bill:

A. The bill’s assumptions of cost savings for governments are dubious.

Neither current related costs to governments nor assumed governmental “cost savings” have been adequately studied or analyzed. The Governor’s office purports “\$80 million” is spent annually on N.J. public notices – a convenient bump up from the “\$70 million” we first heard uttered back in 2010 by proponents. NJPA quickly surveyed the state’s official newspapers then and determined the factual number to be no more than \$20 million.

B. For some governments, the bill ensures significant additional, IT, administrative and personnel expenses. The bill also mandates governments must provide free legal public notice ad uploading services to for all ads submitted by individuals and private entities. This happens to comprise a substantial majority of the legal public notices N.J. newspapers process.

C. “Gov’t-Internet-Only” is rife with potential hazards, e.g.:

- Lack of notice security, permanence & archive-ability
- These mandated notices are essential public documents. Outside parties potentially, or even actually, altering them will lead to lawsuits.
- Disruptive hackers
- Internal governmental abuses and manipulation

- **Unnecessary government legal exposure** to charges of impropriety (revisions, changes, shenanigans) levied by opposition parties, and special-interests, etc.; **even when handled 100% properly.**
- Uncertain processes and compliance requirements.

D. What's going on with N.J. public notice rates?

NJ's statutorily controlled fees, for what newspapers may charge, have been held, by the state legislature for 33 years – since the last increase in 1983. Since then, the rate of inflation is 143%. NJ governments have long benefited from the artificially repressed rates paid to private industry for transparency services provided.

E. Public notices are *already* online at www.NJpublicNotices.com

Since 2003, at no cost to governments/taxpayers, NJPA has operated this as a public service. Free and fully searchable and the entire website is **instantly translatable** in over 100 world languages.

AGAIN, if the sponsors purpose is get the notices online, this has been happening for well over a decade.

F. Yes - New Jersey's newspaper media industry is financially strained.

New Jersey's newspaper industry stands to lose another 300 jobs caused by the closure of many small weekly newspapers and the substantial loss of community journalists at newspaper-media of all sizes – meaning diminished local news coverage all over the state. New Jersey's citizens badly need more reporting of local government activity; not less.

Again, the closure of weekly newspapers means multiple communities will lose their local news coverage.

G. A4429/S2855 directly enables current and future government leaders to punish or reward newspapers. Making it "permissive" totally politicizes the matter, is a major problem for good government, and is carefully addressed in the current notification laws:

This bill would allow governments to punish their local official newspaper media for government reporting judged to be unflattering or perhaps over-eager as otherwise capable watchdogs.

Similarly, the bill allows governments to reward their local media for perceived positive reporting.

H. A4429/S2855 overlooks core principles of government transparency:

Required notifications are essential public documents. In any N.J. governmental or legal proceeding, a government's notice published in the newspaper is evidentiary as proof the notice was published as required and on the correct date.

Also, essential to public notice and subsequent verification is doing so via independent third parties.

I. Yes, the "Digital Divide" is still real.

Following up Governor Christie's office's **unsourced** "N.J.-internet-numbers," "noticed" out Tuesday night hastily to reporters and perhaps legislators:

a. Here's N.J. data the U.S. Census reported for 2015:

- 11.9% of all N.J. households **DO NOT** have a computer.
- 18% of all N.J. households **DO NOT** have an internet subscription.
- 24% of N.J. households with income of \$20,000 - \$75,000 **DO NOT** have an internet subscription.
- 48% of N.J. households with income under \$20k (retirees, urban poor, etc.) **DO NOT** have an internet subscription

J. New Jersey Press Association has proposed a substantial compromise.

As a stated major reason for the bill is to save government money (by not having to pay papers to publish public legal notices), the New Jersey Press Association respectfully requests your consideration of a compromise that would **reduce the fee for government PAID notices by 50%** while increasing private paid legal notices (and those where government is reimbursed by a private party) by small increases of 5% in 2017, 4% in 2018, 3% in 2019, and for each year following an adjustment based on CPI.

This win-win compromise delivers real, guaranteed cost savings to local government instead of venturing into the unknown. It gives public notices the widest possible dissemination both in print and online, translatable for all the state's residents, and with the transparency and accountability good public notice policies must maintain.

K. MANY ARE ASKING HOW OTHER STATES HAVE ADDRESSED THIS

- Number of states in the U.S. to date who have studied and modernized public notice statutes for the digital age: **9**
- Number of states in the U.S. who continue requiring printed newspaper ads as fulfillment of required public notification – to date: **50**
- Number of states in the U.S. to date who have permissively enabled government entities to self-post on government websites; in lieu of newspapers – to date: **0**

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