CDNA Connecticut Daily Newspapers Association
Since 1904

March 11, 2013

Public Notice Testimony in Opposition to SB 902 *An Act Concerning the Publication of Legal Notices in Newspapers*

Good morning:

My name is Michael F. Killian. I'm Senior Vice President of the Record-Journal, a 146 year old family owned and operated newspaper company located in Meriden – still in the same family after five generations.

We publish the daily and Sunday Record-Journal plus six community newspapers: The Southington Citizen, The Plainville Citizen, The Berlin Citizen, The North Haven Citizen, The Cheshire Citizen and the Town Times in Middlefield and Durham – all delivered free each week to every home in these communities.

In total we reach over 250,000 readers in Central Connecticut.

I am also here today as past president of the Connecticut Daily Newspaper Association and the New England Advertising Executives Association to oppose Bill No. 902, An Act Concerning the Publication of Legal Notices in Newspapers.

Let me start with my conclusion: Once a bad idea, always a bad idea.

This idea has been raised in various forms over the past ten years. Members of our industry have made their way here many times and objected because of four key points. These points were imbedded by our founding fathers in 1789 when they required the Secretary of State in the Acts of the First Session of the First Congress to publish all bills, orders, resolutions and votes in publically available newspapers.

While technology has changed, the principals of their ideas have not changed. They are:

1. Independence
2. Archievable
3. Accessible
4. Verifiable

Spoken

Public notices are an important tool in assuring an informed citizenry. That's why they are called "public" notices; not "town" notices. They were mandated to make sure there is a public window into the activities of government, officers of the court and anyone else holding a public trust.

Let me address each of these.

INDEPENDENCE from government is a constitutional mandate and a role the print media takes seriously. Allowing municipalities to be the author and the discriminator of any legal notice opens the door for the worst possible scenario. Lord knows we have had more than one corrupt public official. Can you imagine how easy it would be for anyone intent on bid rigging, for example, to manipulate what goes up and how long it stays?

ARCHIEVABLE separates the print media from all others including the web. Our bond volumes go back a century and a half in Meriden. The internet is still an emerging medium; however it has not stood the test of time. There is no certainty that what is put up today will be there for review a month from today let alone years from today. Security is another consideration. Hackers excel at breaking into web sites. We spend a lot of man power keeping ours safe and secure. Can any town invest the funds to do the same?

I also submit we are living in the Dark Ages. A hundred years from now, it may be impossible for anyone to determine what happened because with a simple push of the delete button all traces of communication can be erased.

ACCESSIBLE – There are thousands of homes without internet access even in the state of Connecticut. According to the most recent statistics from The Progressive Policy Institute, one in four of Connecticut households do not have a computer and internet access. Newspapers are readily available to everyone. And for free at public libraries for those without the money to buy them.

VERIFIABLE: We provide affidavits for each and every public notice we publish. They have been tested in the courts without question. Who will verify the town's own postings? The same person putting it up? It doesn't make any sense to me; and certainly not to the courts. The fox should not guard the hen house.

Additionally:

Lest we forget, recently there have been towns (Harwinton, Lyme, Andover and Portland) that have complained about the cost associated with a previous state law requiring the posting of their meeting minutes and agendas. Others have closed their web sites because they can't comply. (New Hartford, Litchfield, Burlington, Middlefield, Voluntown and Salem).

The cost of a 4 inch public notice is $107.20 in our daily paper.

And what do you get for that investment? You get 1) the typesetting of it, 2) the proofing of it, 3) publication of it in our newspaper on the days of your choice, 4) uploaded to our newspaper web site, 5) uploaded to a state wide web site, MyPublicNotice.com and 6) an affidavit as proof of performance.

Our association created MyPublicNotices.com years ago to assist towns in aggregating all state public notices. It is searchable in one easy and convenient location for those who want it. I can't believe any contractor would give that up to search 167 local town web sites for the same information they can get in one visit.

Best of all, it is free to each town when they publish their notice in our papers.

The Record-Journal would even be willing to upload our public notices to town sites in addition to what we currently do for FREE, too. And I am confident that other newspapers in the state would be agreeable.

Rhode Island Attorney General Patrick C. Lynch, who was President of the National Association of Attorneys General (NAAG), made the following statement in his January 21, 2009 press release: "It's crucial that the function of newspapers as necessary and readily available vehicles for public notices be preserved and protected, especially because the print medium is accessible to large segments of our population, such as senior citizens, who may not have easy access to the Internet."

Then Attorney Richard Blumenthal agreed. I have seen his letter on the subject and encourage you to read it, too.

We should also remind ourselves that public notices come from many sources; not just towns.

Did you know that only 7% of the U.S. population goes to a local, state or federal government web site on any day? (Source: US Census Bureau).

Trading over 600,000 daily and 700,000 Sunday households or 1,920,000 readers for it doesn't make sense to me. If you are fully committed to open government, why settle for 7% when you are getting almost 50% penetrations in daily newspapers; more with our community papers, web sites and MyPublicNotices included.

Newspapers have had a long and rich tradition serving the public as well as government. We are stewards of the public trust. I urge you to keep it that way.