

Legislative bills threaten your right to know

Written by Greg Viergutz
Thursday, 27 January 2011 17:43 -

An attempt is being made in the Nebraska Legislature to drastically change the way citizens learn about their government.

Several bills proposed in the Legislature would redirect public notices from appearing in community newspapers to being placed on the Internet, primarily a site operated by the Nebraska Secretary of State. The apparent goal is to save money and to broaden access to the notices.

Rather than shining a broader light on government operations, its effect would actually reduce it. On the surface, that seems to be a laudable goal. Looking deeper, however, it can be seen that the intent would not be achieved.

Public notices—including minutes from city council and school board meetings, notice of future meetings, city ordinances which were approved, etc.—appear regularly in The Times. They are important because they provide a look at what your government is doing.

Public notices typically possess four major characteristics:

1. A public notice is published in a forum independent of the government, such as a local or community newspaper.
2. A public notice is capable of being archived in a secure and publicly available format.
3. A public notice is capable of being accessed by all segments of society.
4. The public and the source of the notice must be able to verify that the notice was published and its information disseminated to the public.

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Problematic issues arising from the legislative proposals include transparency, access and permanency and reliability.

With public notices appearing on a government website, there is no independent accountability. Transparency of government activities would be reduced. Who can guarantee that a notice placed on a government website was never altered and that it appeared on the site for the required time?

It may seem that accessing and viewing public notices on the Internet would increase compared to publication in community newspapers. Actually, it would be more inconvenient for the greatest number of people.

Surveys in neighboring states indicate that up to one-third of the citizens did not have access to the Internet or own a computer. Further, half of those surveyed said they never looked at a government website.

Contrast that with the accesibility of a community newspaper.

Every issue of a community newspaper in Nebraska is seen by two or three people. More than 8 out of 10 adults read a Nebraska newspaper. And by the way, more people this coming Sunday will read a newspaper than will watch the Super Bowl in 10 days.

Online public notices—tucked into a little corner of the Internet—won't be seen, or found, by most citizens.

If government is publicizing its official record, it needs to be where people will come across it. That location is in the community newspaper.

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Notices posted to some Internet site cannot match the permanency and reliability of the printed word. Once a public notice is in print, it cannot be altered or manipulated. Public notices in newspapers provide a bona fide record that is backed up by an affidavit of publication sworn and notarized by the newspaper publisher. Lawyers confirm that such permanency and reliability is critical in legal proceedings.

Online public notices cannot satisfy that same level of confidence.

Covering state, county, city and school issues has been a staple of community newspapers since their founding. Citizens know they can depend on newspapers to get that information. The best tool to reach the public with this information is the newspaper.

Concerning the issue of cost, there will be a considerable expense to maintain a website. On the other hand, public notices are a minuscule part of state, county, city and school budgets. For instance, it cost 9 cents per actual voter to publish the state constitutional amendments in the last election. The cost per Nebraska resident would be much smaller.

You can help preserve the accessibility of public notices in community newspapers by contacting the Legislature. The issue is a part of a number of bills being considered by the Government and Military Affairs Committee—LB117, LB150, LB363 and LB444.

Members of the committee and their districts are: Bill Avery, Dist. 28; Lydia Brasch, Dist. 16; Charlie Janssen, Dist. 15; Russ Karpisek, Dist. 32; Rich Pahls, Dist. 31; Scott Price, Dist. 3; Paul Schumacher, Dist. 22; and Kate Sullivan, Dist. 41. The Gothenburg area is represented by: John Wightman, Dist. 36, and Mark Christensen, Dist. 44.

Ask that your letters be entered into the public record and send them to: Sen. _____, Dist. ____, State Capitol Building, 1445 "K" St. Lincoln, NE 68509.

While the hearing on several of the bills occurred Wednesday (today), public comment is still being accepted.

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Ironically, the printed word carries more weight with the senators compared to e-mails, so a letter is suggested.