

PUBLIC COMMENTS

HB 537

HOUSE COMMITTEE ON COUNTY AFFAIRS

Hearing Date: March 25, 2021 10:30 AM - or upon final adjourn./recess or bill referral if permission granted

Karran Westerman, Publisher

Falcon Publications, Inc. dba Zapata County News

Zapata, TX

I do not agree with this bill; the public needs to know what is going on in their community whether it be a trash site going in or what affects their county government; when something like this is on a website, you have to know what you are looking for and if you don't know it is occurring how will you know. People do read newspapers for the public notices; I have over the years had many individuals contact me about a public notice because they heard it was going on. If they are not allowed in newspapers, does that constitute a closed door policy. The public needs to know!

Cindy Terrell

Lexington Leader, Editor/Publisher

Lexington, TX

It has come to my attention that the Texas House Committee on County Affairs will consider HB 537 this week. HB 537 is a bill that would empower county officials to post all legally required notices on the county's website instead of publishing them in the newspaper.

I am greatly concerned about this attempt to keep public notices out of our communities' newspapers. I understand that this bill is being considered because some elected officials – constables – in one specific district think publishing them in the local newspaper is inconvenient and expensive.

Consider this: the largest newspaper based in that district received only \$230.70 from constables' notices last year. In fact, last year the paper received only \$24,066.35 in total public notice revenue from the entire county government, which spent \$321.5 million on its overall operations. The entire cost of public notice came to only seven ten-thousandths of one percent of county spending. Expensive? Hardly. Inconvenient? How...and for whom?

Regardless of what you've been told, in reality, the idea of eliminating notices from newspapers appeals to some officials for three reasons they'd never admit:

1. Notices in newspapers actually DO get noticed by citizens.
2. Sometimes those public notices make voters mad.
3. When they get mad, those voters give officials an earful. Life is much easier when they can do things without anyone noticing, and newspaper notices make it impossible to be invisible.

I guess if you're a public official, that's darned inconvenient.

The newspaper public notice is still a bargain that works well in print and online. Our Legislators need to know that I consider a vote to eliminate newspaper notices to be a vote against my community, my readership and me personally. Legislatures need to understand that eliminating newspaper notices from my paper, and from all papers across this great state could be the death knell for a business that's been a civic pillar for communities for longer than today's Legislatures have been on this earth. That's something that even the most cynical, inconvenienced politician can't be cavalier about.

Please, don't let this bill get out of committee. I'm counting on you.

God Bless,

Cindy Terrell, Editor/Publisher

Lexington Leader

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Tracy Mesler
Nocona News
Nocona, TX

Seriously, you could not think of a better way to snuff out Texas' long legacy of "Sunshine" on local government than to allow local governments to bury such notices in some deep, dark, corner of the internet. Congratulations, you are about to send Texas back to the age of backroom "deals" and treating its citizens like mushrooms. Newspapers -- be that print or electronic or both -- are open to the public and the known commodity in terms of knowing what their governments are up to.

Tracy R. Mesler
Publisher Nocona News (since 1981)

Melissa Perner
The Ozona Stockman Newspaper
Ozona, TX

I am writing today to speak out against HB 537. Removing the requirement to publish county notices in newspapers would be a step backwards in transparency. While county governments have websites, many are not maintained or updated on a regular basis. Crockett County's website hasn't been updated since April 2020, except for the change in our new sheriff. Also, the majority of citizens in Crockett County have no idea the county even has a website. This bill would eliminate important notices about taxable property, property taxes, county budgets, elected officials salaries, and more. Our county budgets \$16,500 each year for advertising out of the \$13.1 million total budget. That's a drop in the bucket. Also, the Crockett County Commissioners and County Judge approved a resolution supporting public notices in newspapers. Our county feels that these notices should be available to newspaper readers, many of whom do not have reliable internet in our rural area. On average our county government spends \$1,500 a month at The Ozona Stockman. This can be advertising, purchasing office supplies, custom printing or any of our other many services. To the county, \$1,500 a month is nothing to the county compared to supporting a local mom and pop owned business. The Ozona Stockman is not owned by any large media company. It is owned by myself and my husband. We are truly a small town, mom and pop, small business. \$1,500 a month goes a long way on supporting our small business. If passed, this bill would cripple our business. We work hard being the voice of our local community and we hope we can continue to be that voice.

Charles D. Hatfield Jr., Publisher
Ellis County Press
Ferris, TX

Preventing newspapers from publishing legal/public notices would deny senior citizens without internet access to their local government proceedings of important issues.
They still read newspapers as their trusted news source.
We adamantly oppose HB 537

Austin Lewter
Texas Community Newspapers
Collinsville, TX

To anyone who says, 'newspapers are dead:' I say, 'sit at my desk the Monday after the post office sends a bundle newspapers to Fort Worth by mistake.'

I say, 'answer my phone when someone has a neighbor whose dog ate their paper.'

I say, 'answer my phone when someone forgot to renew their subscription on time and, all of a sudden, realized they didn't get

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their paper that week.’

The latter two incidents are far more common than the former, but they all occur from time to time.

When they do, I field calls from frustrated readers looking for their paper.

Though I get frustrated when folks miss their papers, I also get encouraged by the number of people who really do miss their newspaper.

Community newspaper are more vital than ever to the mission of ensuring the publics' right to know.

They are an integral pillar of conversation and discourse and serve a roll vital to the exercise of a free democracy.

Alas, though, the Texas legislature is in session again and— again— there are more attacks on the publics’ right to know by attempting to circumvent the public notice requirements in newspapers.

We’ve heard the excuses before, generally politicians make these three arguments:

- "1. Nobody reads newspapers anymore.
2. Since nobody reads newspapers, nobody reads public notices.
3. Public notices are an expensive inconvenience and an unfair subsidy for newspapers.”

Rep. Jared Patterson (R-Frisco) seems to agree. He has authored HB 537.

On its merits, this bill would empower county officials to post all legally required notices on the county's website instead of publishing them in your newspaper.

Similar anti-newspaper bills have been proposed before. A similar effort was derailed a few years ago after the Grayson County Commissioner’s Court— along with others across the state— passed a proclamation in opposition to any such legislation that would repeal or amend newspaper public notice standards

They agreed the idea of eliminating notices from newspapers is dangerous.

Such abolitions of newspaper public notices appeal to some officials for three reasons they’d never admit:

1. Notices in newspapers absolutely DO get noticed by citizens.
2. Sometimes those public notices make voters mad.
3. When they get mad, those voters give officials an earful. Life is much easier when they can do things without anyone noticing, and newspaper notices make it impossible to be invisible. If you’re a public official, public notices can be inconvenient.

When it comes down to it, the newspaper public notice is still a bargain that works well in print.

This is both a business issue and a personal issue for me.

I am a proud publisher of a multiple Texas community newspapers. Moreover, I am the publisher of my hometown Texas newspaper

I consider a vote to eliminate newspaper notices to be a vote against me personally.

It is a vote against the communities I serve.

Jim Bardwell

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Gladewater, TX

Dear Chairman Coleman and Vice Chair Stucky and other members of the committee:

On Thursday your Committee on County Affairs will consider HB 537, a bill that would empower county officials to post all legally required notices on the county's website instead of publishing them in our local hometown newspapers. I urge you to not allow this bill to move forward. If it doesn't scare you, it should. It certainly scares me. It is taking transparency and throwing out the window.

Politicians trying to eliminate newspaper public notices generally claim: 1. Nobody reads newspapers anymore; 2. Since nobody reads newspapers, nobody reads public notices; 3. Public notices are an expensive inconvenience and an unfair subsidy for newspapers.

Obviously, I feel none of those are true. Plus – what is often overlooked is newspapers are permanent.

I have a copy of a 1910 Gladewater newspaper on my desk. I doubt seriously a public notice placed online on a government-run website will be around 111 years from now. Technology evolves. I have 20-year-old computer hard drives in a box that I can't access now. My laptop has no CD drive.

But I have a hardcopy of every newspaper Gladewater has ever produced safely stored in my office.

As for saving taxpayer dollars - consider this: the largest newspaper based in Rep. Patterson's district received only \$230.70 from constables' notices last year. In fact, last year the paper received only \$24,066.35 in total public notice revenue from the entire county government, which spent \$321.5 million on its overall operations. The entire cost of public notice came to only seven ten-thousandths of one percent of county spending.

Expensive? Hardly. Inconvenient? How...and for whom?

In reality, notices in newspapers actually DO get noticed by citizens.

I know newspapers get read and are still relevant. Try misspelling a person's name in a newspaper story - yes it happens - and you'll find out real quick how many people read the newspaper. Your phone rings off the wall.

I am confident you truly want to keep notices in your hometown papers where they belong. The newspaper public notice is still a bargain that works well in print and online. Yes, online. The Texas Press Association newspapers automatically put all public notices online at no additional charge to the county, city or school. So what Rep. Patterson is requesting is already being done without any added steps or additional manpower by elected officials or their staffs.

And while internet service has been suspect throughout the state - a digital divide is present and thankfully legislators like you are addressing those issues - newspapers continue to be a reliable and permanent source for information for All the people.

I urge you to keep county notices where they belong, in their hometown newspapers and not hidden away behind firewalls and layer upon layer of digital screens.

Thank you for your consideration.

Jim Bardwell, President Texas Press Assoc.

Phil Major

Wood County Monitor

Mineola, TX

Recently we published a public notice from the Texas Commission on Environmental Quality concerning an air quality permit for a planned concrete batch plant near our community of Mineola. The plant would be located near the entrance of one of the finest nature preserves in East Texas. Without this notice, local citizens would not have known about these plans until it was too late and would not have been able to engage in efforts to try to have a positive impact on the outcome. Public notices work when they are published in a newspaper. When hidden away on a government website that no one accesses unless they have specific business with the entity, not so much. Please support transparency in government and keep public notices public by publishing in Texas newspapers that are still read by thousands of voters in communities such as ours. Thank you.

Dennis Wade

Coastal Bend Publishing

Beeville, TX

Public Notices in Community Newspapers are vitally important to the constituency-Tax Payers

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Community Newspaper readers TRUST their newspaper to provide accurate and timely valuable information they can use. Public Notices are content that, when published, in a community newspaper deliver such information, better informing the public! Community Newspapers provide a one-stop place for reading public notices, eliminating the need to SEARCH several other sources.

Most Importantly, Public Notices in Community Newspapers shine the light on governmental dealings that must be fairly and accurately shared with communities.

Lange Svehlak, Publisher

Athens Daily Review

Athens, TX

As a publisher of a small town community newspaper in Athens I feel that it is very important that policy remain to require public notices to be printed in entirety in a general circulation newspaper.

Eliminating notices from newspapers appeals to some officials for reasons they'd never admit: Notices in newspapers actually DO get noticed by citizens. Sometimes those public notices make voters mad. When they get mad, those voters give officials an earful. Life is much easier when they can do things without anyone noticing, and newspaper notices make it impossible to be invisible. If you're a public official, that's inconvenient.

- The purpose of public notices is to make citizens aware of governmental actions and intent. That's why the Texas Constitution and numerous Texas statutes require them. There's no more effective way to notify large numbers of people than with newspapers, which publish the notices both in print AND online.

- The independent third-party approach to publishing and archiving public notices is a key element of government transparency and accountability. If governmental entities are allowed to "publish" and archive their notices on complex governmental websites that are designed, maintained and operated by the government itself, citizens could lose much more than the few dollars involved in the cost of newspaper public notices.

- Newspapers readership far exceeds that of any other medium. The number of print readers, combined with our online readers, makes total newspaper penetration most attractive to anyone who must reach a mass audience.

- Regardless of the market size, newspaper online traffic is consistently much higher than readership of governmental websites. While newspapers – in print and online – are seen as a "go-to" independent source for reliable and consistent local information, local governmental websites have a very small sliver of readership.

- Newspaper readers are the people most likely to be involved in local civic activities — and to vote.

- Texas newspapers not only publish public notices on print and on their websites, but they combine all their notices into a free, searchable statewide website. Readers can even sign up for email notifications whenever a notice is filed regarding an area of interest to them. All this is at no extra charge to the governmental entity.

- "Discovering" a governmental notice in the newspaper may be how a citizen first hears of governmental plans that have an important impact on him — actions such as annexations, zoning changes, school attendance zone revisions, tax increases, bond issues, large governmental purchases, or planned projects with environmental or quality-of-life impacts such as landfills, etc.

- Income from published legal notices generally runs about 1 to 5 percent of total revenue at a Texas newspaper. If that revenue should disappear, newspapers will be hurt and governmental transparency and accountability to taxpayers, will be terribly diminished.

Rick Craig

The Daily Sentinel

Nacogdoches, TX

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Community newspapers have been serving the information needs of their communities for centuries. That information not only includes news, sports, options but advertising including legal advertising. These legal notices play a vital role to inform the public what our governmental bodies are doing with our tax dollars.

HB 537 would take that vital information and allow county officials to post all legally required notices on the county's website instead of in their newspaper of record.

Once published in the community newspaper, the notices become a part of the public record forever. The entities are furnished publisher's affidavits certifying that the notice ran in the correct issues and the correct number of times.

Texans are accustomed to finding legal notices in their newspapers. The change would make it harder for citizens to find the notices and would severally hamper their access to information.

The COVID-19 pandemic has highlighted the lack of sufficient internet access in much of Texas. Gov. Abbott has made it one of the priorities of the current legislative session. When the legislature is tasked with the challenge of meeting the internet access needs of Texans, public notices do not need to be hidden on websites that few Texans ever visit.

Open and transparent government is based on a free flow of information from government to its citizens. HB 537 would hamper that flow of information. Please help us stop the bill and any others that would limit citizens' access to information.

Thank for your support of transparency in government.

Donnis Baggett, Executive Vice President

Texas Press Association

Bryan, TX

WHY NEWSPAPER NOTICE IS ESSENTIAL

1. The purpose of public notices is to make citizens aware of governmental actions and intent. That's why the Texas Constitution and numerous Texas statutes require them. There's no more efficient and effective way to notify citizens than print newspapers, which also publish the notices online.
2. Newspapers' readership far exceeds that of any other medium. The number of print newspaper readers makes total newspaper penetration attractive and cost-effective for reaching a mass audience. Governmental websites, on the other hand, have very low readership.
3. Newspapers are seen as a "go-to" independent repository for reliable and consistent local information. For more than 150 years, readers have come to expect their local "newspaper of record" to be the official home for public notices.
4. Newspaper readers are most likely to be involved in local civic activities — and to vote.
5. Texas newspapers not only publish public notices in print and on their websites, but combine their notices into a free, searchable statewide website for the convenience of citizens and vendors who have interests in other areas of the state. Readers can even sign up for email notifications whenever a notice regarding an area of interest to them is filed. All this is at no extra charge to the governmental entity.
6. Texas law requires that newspapers print public notices at their lowest published classified rate, so the taxpayer gets a bargain. The fees are used to help defray the hard costs of printing, delivery and posting the online components.
7. Some governmental entities already post their notices online voluntarily, in addition to publishing them in the newspaper. But if the notices were only available on those government sites, they would be seen only by citizens who actively seek them out — and could be found only by those who (a.) have online access; (b.) are aware of each of the myriad of governmental entities whose sites they should scour for notices (Harris County alone has some 500 entities), and (c.) have the expertise to locate notices that may be buried many clicks deep within a governmental website. On the other hand, a print newspaper notice can and often is "discovered" by a reader who is simply reading the paper with his morning coffee.
8. "Discovering" a governmental notice may be how a citizen first hears of governmental plans that have an important impact on him — actions such as special elections, annexations, zoning changes, school attendance zone revisions, tax increases, bond issues, or planned projects with environmental impacts such as landfills, etc.
9. The elderly, the poor, minorities and rural residents are statistically less likely to have internet access than other groups. Eliminating print newspaper notice would effectively disenfranchise them.
10. The independent third-party approach to publishing and archiving notices is essential to government accountability.

Mike Probst

The Rockport Pilot newspaper

Rockport, TX

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The elimination of legal notices in local newspaper will be just another way of keeping the public in the dark. Public notices are important pieces of information that should be published in a local newspaper. Simply put, the average Joe WILL NOT go searching the government website just to "see what's happening." However, they will look at their newspaper, or hear about the subject covered in the legal notice, by a friend or neighbor. The newspapers are up against a lot of competition these days, but that does not negate their importance in a community. The legislature has whittled away at this topic for years, when in fact the cost of running legal ads is negligible, compared to government entity budgets. As time goes on, and if legal notices are stripped from local community newspapers, you will eventually see those newspaper fold. If you want to know what a community looks like without a newspaper ... just look at what is happening in our nation in regard to communicating honest news/information. It will not be good for a community, and that includes the communities you represent.

Jim Beaver, Publisher, The Boerne Star

The Boerne Star

Boerne, TX

This morning, the Texas House Committee on County Affairs will consider HB 537, a bill that would empower our county officials to post all legally required notices on the county's website instead of publishing them in the local/area newspaper. Some people consider newspaper notices outdated and inconvenient. We've heard that before. Politicians trying to eliminate newspaper public notices generally make these three arguments: 1. Nobody reads newspapers anymore. 2. Since nobody reads newspapers, nobody reads public notices. 3. Public notices are an expensive inconvenience and an unfair subsidy for newspapers. For a different perspective, consider this: the largest newspaper based in Rep. Patterson's district received only \$230.70 from constables' notices last year. In fact, last year the paper received only \$24,066.35 in total public notice revenue from the entire county government, which spent \$321.5 million on its overall operations. The entire cost of public notice came to only seven ten-thousandths of one percent of county spending. Expensive? Hardly. Inconvenient? How...and for whom? In reality, the idea of eliminating notices from newspapers appeals to some officials for three reasons they'd never admit: 1. Notices in newspapers actually DO get noticed by citizens. 2. Sometimes those public notices make voters mad. 3. When they get mad, those voters give our officials an earful. Life is much easier when they can do things without anyone noticing, and newspaper notices make it impossible to be invisible. If you're a public official, that's darned inconvenient. Our Texas Press Association staffers fight hard to preserve public notices in newspapers year in and year out, whether the Legislature is in session or not. Legislators need to hear what we have to say — no matter whether you like each other or not, and no matter whether our paper has 500 readers or 500,000. (The Boerne Star publishes nearly 4,000 newspapers twice-weekly in Kendall County.) Many of the 'influencers' in our county read The Boerne Star. Please know this: 1. The newspaper public notice is still a bargain that works well in print and online, and (2.) This is both a business issue and a personal issue for us, a Texas hometown newspaper. Please know that you consider a vote to eliminate newspaper notices to be a vote against local newspapers personally. Understand that eliminating newspaper notices could be the death knell for a business that's been a civic pillar for our newspaper communities years. Sincerely, Jim Beaverpublisher@boernestar.com

Carol Spencer

self

Cedar Creek, TX

Prior to moving to TX, I was the Digital & Social Media Manager for a county government in another state. I have seen postings, such as those allowed by this bill, put up as scanned PDFs ON PURPOSE so they were not searchable. I have seen postings, such as those allowed by this bill, put up in graphic format, which is also not searchable. I have seen postings, such as those allowed by this bill, buried so deep that a citizen could not find them easily. I FULLY support this bill, but would strongly recommend the addition of verbiage REQUIRING notices to have links to them on the home page and that any such postings be in a searchable format, not scanned PDF or a graphic (jpg, png, etc) format, so that citizens can easily find, read, copy and print these notices. People know exactly where to go in a newspaper to find legal notices and the same should be true for digital notices as well. Thank you for considering my comments.

Kayleen Holder, Editor

The Devine News

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Devine, TX

To whom it may concern:

My name is Kayleen Holder. I am the 4th generation editor of a small newspaper in South Texas, started up by my great-great grandfather WL DuBose in 1897. I work side by side with my mother KK (DuBose) Calame who is the 3rd generation publisher of the family business--the community newspaper that has served the area for over 123 years.

We want to express our concern with HB 537.

Is HB 537 really intended to make public notices easier to find? Or easier to hide? Patterson may think NO ONE reads newspapers, but I say NO ONE reads City websites! How much time have you spent browsing for public notices on City websites in your spare time, for goodness sakes?

By requiring Cities and Counties to publish PUBLIC NOTICES in the community NEWSPAPER, it puts those notices out there for all of the community to read, without them having to go searching for it.

For example, if I live near a field where a new subdivision wants to come in and they need to re-zone the area, I would see a PUBLIC NOTICE while reading the community newspaper.....but I wouldn't even know to go looking and researching for a notice about an incoming new development that I'd never even heard of. Yet, that re-zoning would affect me greatly, and it would get pushed through quietly on a little known page of a City Website.

There is something very valuable about small community newspapers and the roles of true journalists. We provide an unbiased reporting on what is happening in our community. And especially in our small towns, people TRULY DO still buy the paper because they are in it! Every week we publish 4-6 pages of sports with everyone's kid and grand kid in the sports stats and photos. Every week, we publish the report of local school, county, and city meetings that affect our little communities. The newspaper, especially in a small town, provides news that our residents cannot get on TV or radio or the internet, except on our own news site, and I'll guarantee you most of the online readers also subscribe the the printed edition of our newspaper that they can read on Wednesday morning with their coffee.

Everyday, we see push back from a few bad politicians who want to get on Facebook and report the news themselves, and do away with real reporters and newspapers. This bill is just a step closer to that.

If this was really about making things more easily accessible by putting it online, then the bill would require public notices to be published on the website of the community newspaper source...the community news site and printed edition of the newspaper is something that thousands of concerned community members read every week as the news is posted....Does anyone really think that many people sit around reading city websites?