Exhibit No. 11
Date 3-11-05
Bill No. HB 474

TESTIMONY ON HB 474 BEFORE MONTANA SENATE JUDICIARY COMMITTEE
MARCH 11, 2005

Committee members – Thank you for allowing me this opportunity to address you regarding HB 474.

My name is Jan Anderson. I am the publisher of the Jefferson County Courier and the Boulder Monitor. Both are paid weekly newspapers, each with a periodicals mailing permit. One has been in existence for roughly a century. The other we established eight years ago.

The change proposed by HB 474 seems on its face to be fairly innocuous, removing only six words from the current statute.

Those six words are important, though. They provide a critical assurance to Montana citizens.

Newspapers with a paid circulation and a periodicals mailing permit must meet certain standards. They must have been in publication for at least a year, must have at least fifty percent of their distribution going to people who pay for the paper, and they must verify the distribution annually.

Removing those six words would do away with those requirements, allowing any publication, even a photocopied single sheet handed out to five people on Main Street, to qualify as a place to publish county legal notices.

Simply putting the ink to the paper does not make a newspaper or meet the spirit of the constitutional provisions for public notice.

In the eight years since we founded the Jefferson County Courier, we have seen several publications come and go. Some distributed hundreds of copies to stores at the start of the week and then discarded almost all of them, unread, at the end of the week. Some never even got to the point of printing an issue, but two that did publish – the Great Falls Times and the High Country News in Boulder – come to mind. Both were started with good intentions, and both did a reasonable job of covering the news in their area, laying copies out for people to take free. Neither lasted a year.

Under the proposed change, each of those publications would have qualified as a newspaper where the county could publish and satisfy the legal notice requirements. Neither could have provided any independent verification of how many people, if any, actually received the publication. Less than a year later, there was no operating newspaper office where citizens could verify that a legal notice ran or what it said.

In 1998, the Montana Supreme Court said, "The delegates of the Constitutional Convention made a clear and unequivocal decision that government operates most effectively, most reliably, and is most accountable when it is subject to public scrutiny..." We submit that this proposed change would make county government less subject to public scrutiny by making it harder for the public to be assured of adequate legal notice.

We welcome the voices and appreciate the service of any publication that expands public discourse. Many free publications do a good job and serve a need in their communities.

There is nothing in the current law that would prevent counties from publishing in free publications. There is also nothing in the current law that prevents those publications from complying with the requirements necessary to hold a second class mailing permit.

There is, though, and should be something in the law that assures Montana citizens that county legal notices will be available in a newspaper with some stability that has an independently verified circulation. Leaving the law as it stands provides that assurance, and we urge the committee to reject HB 474. Thank you.

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