

SENATE BILL 115

By Campfield

AN ACT to amend Tennessee Code Annotated, Title 8,
Chapter 21, relative to legal notices.

WHEREAS, There has been a steady decline in newspaper readership in the past several decades, while, at the same time there has been an increase in the number of households with access to the Internet; and

WHEREAS, The Knox County maintains an official government website that is available to the public twenty-four hours per day; and

WHEREAS, Many legal notices published solely in newspapers go unread and unnoticed by the public because casual newspaper readers generally do not read the legal notice section; and

WHEREAS, Permitting the publication of legal notices on an official government website will make those notices more easily accessible to a greater number of people, thereby promoting increased public participation in government; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 21, is amended by adding Sections 2 through 11 of this act as new Part 14.

SECTION 2. This act shall be known and may be cited as the "Electronic Publication of Legal Notices Act".

SECTION 3. For the purposes of this act::

(1) "Electronic publication" or "electronically publish" means the public advertisement of a legal notice in hypertext markup language format (html), or an equivalent language format, on an official government Internet website;

(2) "Government agency" or "agency" means any public entity under the laws of Tennessee that is required to publish legal notices;

(3) "Legal notice" or "notice" means any matter of a government agency or an individual that, pursuant to law, rule or regulation is required to be officially advertised in a newspaper of general circulation;

(4) "Notice website" means an Internet website that is maintained by a government agency, or by a third party under contract with the agency, that contains links to the legal notices electronically published by the agency; and

(5) "Official Internet website" or "official website" means the Internet location designated by a government agency as its primary source of information about the agency on the Internet.

SECTION 4. Whenever a government agency is required by law to publish a legal notice in one (1) or more newspapers, the government agency may cause the required notice to be published on an official government notice website instead of a newspaper, provided all of the following requirements are met:

(1) The site is accessible to the public over the Internet at least ninety percent (90%) of the time, twenty-four hours a day, every day of a year;

(2) The government agency's official Internet website shall prominently display a link to the notice web site, which shall be an index webpage containing a list of all current legal notices of the agency, with links to the full text of those notices, not just to summaries of those notices. The index webpage shall also contain a search function and other features that improve public accessibility to legal notices; and

(3) Each webpage on the official web site with a link to the notice website or index webpage, as well as the notice web site itself, shall contain an e-mail link to submit a complaint to the government agency if access to any legal notice fails.

SECTION 5. The government agency shall review all complaints reported to determine the cause of any access problem and shall document the findings and any action taken to resolve it.

SECTION 6. The government agency shall keep and make available for public inspection all records of complaints and service accessibility failures reported.

SECTION 7. Whenever an individual is unable to access an electronic publication of a government notice, the government agency shall provide a copy of the notice to the individual free of charge.

SECTION 8. Notices shall remain available on the notice website at least until the last posting date required by law has expired or until the event described in a notice has taken place, whichever is later.

SECTION 9. The government agency shall create, or have provided by the notice website contractor, and keep on file a certification or affidavit of posting that may be required for each legal notice in the same manner as is done for printed notices. The affidavit or certification shall state that the notice was posted from the initial date through either the last posting date required by law or the date when the event described in a notice takes place, whichever occurs later, except that a certification shall not be required to be notarized.

SECTION 10. If someone is unable to access the Internet, individual copies of notices can be obtained in printed form in the office of the county clerk of the county.

SECTION 11. The provisions of this act shall only apply in any county having a population of not less than three hundred eighty-two thousand (382,000) nor more than three

hundred eighty-two thousand one hundred (382,100) according to the 2000 federal census or any subsequent federal census.

SECTION 12. This act shall take effect September 1, 2011, the public welfare requiring it, and shall expire August 30, 2013, the public welfare requiring it, unless continued by the general assembly.