

Submitter: Scott Swanson
On Behalf Of:
Committee: House Committee On Commerce and Consumer Protection
Measure, Appointment or Topic: HB3431

Honorable members of the House Commerce and Consumer Protection Committee:

Thank you for the opportunity to provide some input on House Bill 3431.

I speak from the perspective of someone who has nearly 20 years of experience publishing local newspapers, in Sweet Home and Lebanon. I've worked as a newspaper journalist or journalism professor almost continually since 1980, so I've put in a lot of miles and have watched a lot of changes in the world of newspapers, many of them not happy. It's no secret that newspapers across the country are struggling. Profit margins for nearly all newspapers have suffered significantly in recent years as print publications have sustained a proverbial "thousand cuts." Without going into gory detail, those challenges include massive losses of advertising content and revenue (especially post-COVID), increased production and printing costs, and theft of their content from Google and other aggregated sites.

But there's one other "cut" that has become a constant for longstanding Oregon newspapers, just about every year. That would be ongoing efforts to relocate legal advertising and public notices from newspapers (which have dependably provided this service for at least two centuries in America). In particular, there have been recurring efforts to move legal advertising to digital sites operated by government entities or others, which cannot match the archival strengths that publication in newspapers has demonstrated. Websites are not immutable, as any of us know who can recall recent hackings of government and other large and powerful organizations – like the Oregon DMV or the U.S. Treasury Department.

In response to these efforts to co-opt legal notices, Oregon's newspapers have worked carefully with legislators in recent years to craft parameters to adapt the law to modern technology, to preserve that archival reliability and integrity that newspapers have offered even as some move toward away from increasingly costly paper media to digital platforms. The current law, passed two years ago, requires the posting of an actual newspaper page layout containing a legal notice, which helps ensure the integrity of content of the notice far beyond simple digital website content (which is far easier to modify). Also, the law requires that to publish legals, a newspaper must be able to demonstrate that at least 51% of its circulation goes to actual subscribers. These parameters help ensure that legals are not posted willy-nilly on some fly-by-night website, but rather in established publications – print or online – that have a demonstrated readership. Meeting these requirements demands

commitment, but that should be the type of publication in which legals appear.

There are some very fine web-only news operations in this state, including one located in the districts represented by Rep. Gomberg and Sen. Anderson, which has produced quality reporting. To publish legals, these news sources can and should meet the same requirements that other newspapers do; they should meet parameters that ensure the reliability and integrity that needs to be there for any publisher of legal notices. The world is changing for newspapers, but the carefully crafted rules that permit the publication of legal notices should not. Weakening the requirements for publishing legals simply makes life harder for newspapers that have met the standard and who have faithfully served clients and readers in that way.

Thus, I ask you to vote no on this bill.

Thank you.