

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Nancy Brown at 1:30 p.m. on January 20, 1994, 1994 in Room 521-S of the Capitol.

All members were present except: Representative Holmes (excused)

Committee staff present: Michael Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Lois Hedrick, Committee Secretary

Conferees appearing before the committee: Bob McDaneld, Administrator, Board of Emergency Medical Services
Representative Fred Gatlin
Rosalee Ross, Publisher, Atwood
Kevin J. Noland, Publisher, Medicine Lodge

Others attending: See Attachment 1.

Bob McDaneld, of the Board of Emergency Medical Services, briefed the proposed legislation concerning authority, licensure, and activities of emergency medical services personnel (see Attachment 2). The proposed amendments are to provide clear lines of authority and training requirements for EMS personnel. After reviewing the history of the proposal, on motion of Representative Wootton, seconded by Representative Alldritt, the committee approved the introduction of the proposed bill.

Chairman Brown then opened the hearing on **HB 2434** (official county newspaper). Representative Fred Gatlin testified in support of the bill (see Attachment 3). He introduced conferee Rosalee Ross, publisher of The Rawlins County Square Deal, Atwood, who shared her experiences in establishing the newspaper (see Attachment 4) and the difficulties experienced by her county.

Kevin Noland, Publisher of The GypHill Premiere, Medicine Lodge, presented testimony in support of the bill (see Attachment 5). There were no other proponents and no opponents present to testify on the bill. The Chairman closed the hearing and called for discussion and possible action. The committee extensively discussed the proposal. Representative Alldritt asked, with the advent of foreign buy-outs of newspapers, if this bill would benefit small newspapers. Rosalee Ross responded that she believes the local units of government are responsible and will make appropriate decisions in choosing the official newspaper and that it would benefit small newspapers.

The Chairman asked what happens to the archives of defunct newspapers. Rosalee Ross replied that she found no statutory requirements for archives and unless archives are handed over to a museum, they could be

destroyed. Theresa Kiernan then explained the reasoning for the amendments to the statute, and recommended certain technical amendments, including deletion of a phrase grandfathered in several years ago which is no longer required. The Chairman reminded that cities, under Home Rule, can opt out of the statute, but currently counties cannot. The proposal is to level the requirements and allow counties the same right as that set out for second and third class cities. Theresa Kiernan listed the technical amendments for review. After discussion, Representative Alldritt moved, Representative Grant seconded, that the proposed amendments be adopted. Following discussion, the motion was withdrawn.

Then, Representative Alldritt moved, Representative Grant seconded, that **HB 2434** be amended to delete the restriction that the bill apply only to counties with a population of 5,000 or less, and to make the technical amendments discussed by the committee. The motion was adopted. Representative Tomlinson opposed the amendments. Then, Representative Packer moved, Representative Watson seconded, that **HB 2434** be favorably passed, as amended. Motion carried.

The Chairman opened the hearing on **House Substitute for SB 153**, concerning cities; relating to special assessments to pay the costs of improvements authorized thereby. Theresa Kiernan explained the proposed amendments to the bill (see Attachment 6). Chairman Brown stated her concerns that, according to the proposal, notices of proposed projects are by regular mail with no insurance that they are received by the propertyowners. Some discussion was held on the merits of certified or registered mail, but Representative Macy stated most statutes only require regular mail. The Chairman also questioned the amended provisions concerning litigation rights, which were moved to a timetable early in the project, and the possibility of affected propertyowners not having adequate time for notice and litigation rights.

After discussion, Representative Macy moved, Representative Mays seconded, the **House Substitute for SB 153** be amended as set out on Attachment 7. Motion carried. Then, Representative Macy moved, and Representative Mays seconded, that **House Substitute for SB 153** be favorably passed, as amended. Motion carried. Representatives Brown, Hayzlett, and Mills voted "No."

On motion of Representative Hayzlett, seconded by Representative Packer, the minutes of the meeting of January 19, 1994 were approved.

The Chairman then recommended that the Committee introduce a bill concerning environmental remediation, similar to legislation enacted for Wichita a few years ago but this bill would allow for the crossing of city-county lines. Representative Robert Krehbiel requested the legislation. After discussion, on motion of Representative Welshimer, seconded by Representative Watson, the Committee approved introduction of the bill.

The Chairman asked that Subcommittee Chairmen advise members of the meeting locations. Those meetings start on Monday.

The meeting was adjourned at 3:35 p.m. The next meeting (subcommittees) is scheduled for Monday, January 24, 1994, in locations to be announced by subcommittee chairmen. The next meeting of the full committee will be held on January 25, 1994 at 1:30 p.m., in Room 521-S of the Capitol.

GUEST LIST

COMMITTEE: House Local Government

DATE: January 20, 1994

[illegible]

PROPOSED BILL NO. _____

By Committee on Local Government

AN ACT concerning emergency medical services; relating to the licensure and activities of attendants; amending K.S.A. 65-6119, 65-6120, 65-6121, 65-6123 and 65-6144 and K.S.A. 1993 Supp. 65-6112 and 65-6149 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1993 Supp. 65-6112 is hereby amended to read as follows: 65-6112. As used in this act:

(a) "Administrator" means the administrator of the emergency medical services board.

(b) "Ambulance" means any privately or publicly owned motor vehicle, airplane or helicopter designed, constructed, prepared and equipped for use in transporting and providing emergency care for individuals who are ill or injured.

(c) "Ambulance service" means any organization operated for the purpose of transporting sick or injured persons to or from a place where medical care is furnished, whether or not such persons may be in need of emergency or medical care in transit.

(d) "Attendant" means a first responder or an emergency medical technician, an emergency medical technician-intermediate, an emergency medical technician-defibrillator or a mobile intensive care technician whose primary function is ministering to the needs of persons requiring emergency medical services.

(e) "Board" means the emergency medical services board established pursuant to K.S.A. 65-6102, and amendments thereto.

(f) "County medical society" means an organization of physicians.

~~(f)~~ (g) "Emergency medical service" means the effective and coordinated delivery of such care as may be required by an emergency, including services provided by first responders, care

and transportation of individuals by ambulance services and the performance of authorized emergency care by a person licensed to practice medicine and surgery, a licensed professional nurse, a registered physician's assistant, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator or a mobile intensive care technician.

(g) (h) "Emergency medical technician" means any person who has successfully completed a course of training, approved by the board, in preliminary emergency medical care and who holds a valid emergency medical technician certificate under this act.

(h) (i) "Emergency medical technician-defibrillator" means any person, currently certified as an emergency medical technician or emergency medical technician-intermediate, who has successfully completed a training program in cardiac defibrillation approved by the board and who holds a valid emergency medical technician-defibrillator certificate under this act.

(i) (j) "Emergency medical technician-intermediate" means any person, currently certified as an emergency medical technician or emergency medical technician-defibrillator, who, has successfully completed a course of training approved by the board which includes training in veni-puncture for blood sampling and administration of intravenous fluids and advanced patient assessment and who holds a valid emergency medical technician-intermediate certificate under this act.

(j) (k) "First responder" means a person who has successfully completed a course of training in preliminary emergency care, who holds a valid first responder certificate under this act and who provides services to individuals in need of emergency medical care that assist in stabilization or improvement of such individual's condition until personnel with a higher level of training arrive at the scene and assume responsibility for the individual.

(k) (l) "Instructor-coordinator" means any person who has successfully completed a course of training, approved by the

board, to instruct attendants and to coordinate training programs, and who holds a valid instructor-coordinator certificate under this act.

~~{t}--"Local-component-medical-society"--means-a-county-medical society-or-a-multicounty-medical-society-~~

(m) "Medical adviser" means a person licensed to practice medicine and surgery.

(n) "Medical protocols" mean written guidelines that have been reviewed and accepted by the emergency medical committee of the county medical society, which assist in the provision of medical care to a patient when the attendant is not receiving immediate direction from a physician. In those counties where there is no emergency medical committee of the county medical society, "medical protocols" mean written guidelines that have been reviewed and accepted by the medical staff of the hospital to which the ambulance service primarily transports patients, which assist in the provision of medical care to a patient when the attendant is not receiving immediate direction from a physician.

~~{n}~~ (o) "Mobile intensive care technician" means any person who has successfully completed a course of training, approved by the board, in emergency medical care, and who holds a valid mobile intensive care technician certificate under this act.

~~{o}~~ (p) "Municipality" means any city, county, township, fire district or ambulance service district.

~~{p}~~ (q) "Nonemergency transportation" means the care and transport of a sick or injured person under a foreseen combination of circumstances calling for continuing care of such person. As used in this subsection, "transportation" includes performance of the authorized level of services of the attendant whether within or outside the vehicle as part of such transportation services.

~~{q}~~ (r) "Operator" means a person or municipality who has a permit to operate an ambulance service in the state of Kansas.

~~{r}~~ (s) "Person" means an individual, a partnership, an

association, a joint-stock company or a corporation.

(t) "Physician" means a person licensed by the state board of healing arts to practice medicine and surgery.

(s) (u) "Training officer I" means any person who has completed successfully a course of training, approved by the board, to conduct continuing education programs for attendants.

(t) (v) "Training officer II" means any person who has: (1) Completed successfully a course of training, approved by the board, to conduct continuing education programs for attendants; and (2) completed successfully a supplemental course of training, approved by the board, to conduct initial training programs for first responders.

Sec. 2. K.S.A. 65-6119 is hereby amended to read as follows: 65-6119. Notwithstanding any other provision of law, mobile intensive care technicians may perform any of the following:

(a) May perform all the authorized activities of an emergency medical technician as described in K.S.A. 65-6121, and amendments thereto.

(b) Perform cardiopulmonary resuscitation and defibrillation in a pulseless, nonbreathing patient.

(c) When voice contact or a telemetered electrocardiogram is monitored by a person licensed to practice medicine and surgery or a licensed professional nurse where authorized by a person licensed to practice medicine and surgery, and direct communication is maintained, and upon order of such person or such nurse do any of the following:

(1) Perform veni-puncture for the purpose of blood sampling collection and initiation and maintenance of intravenous infusion of saline solutions, dextrose and water solutions or ringers lactate IV solutions.

(2) Perform gastric suction by intubation.

(3) Perform endotracheal intubation.

(4) Administer parenteral injections of any of the following classes of drugs:

(A) Antiarrhythmic agents.

- (B) Vagolytic agents.
- (C) Chronotropic agents.
- (D) Analgesic agents.
- (E) Alkalinizing agents.
- (F) Vasopressor agents.

(5) Administer such other medications or procedures as may be deemed necessary by such an ordering person.

(d) Perform, during an emergency, those activities specified in subsection ~~(d)~~ (c) before contacting the person licensed to practice medicine and surgery or authorized licensed professional nurse when specifically authorized to perform such activities by ~~written-protocols-approved-by-the-local-component-medical-society~~ medical protocols.

(e) Perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by ~~written-protocols-approved-by-the-local-component-medical-society~~ medical protocols.

Sec. 3. K.S.A. 65-6120 is hereby amended to read as follows: 65-6120. Notwithstanding any other provision of law to the contrary, an emergency medical technician-intermediate:

(a) May perform any of the activities described by K.S.A. 65-6121, and amendments thereto, which an emergency medical technician may perform;

(b) when approved by ~~the--local-component-medical-society~~ medical protocols and where voice contact by radio or telephone is monitored by a person licensed to practice medicine and surgery or a licensed professional nurse, where authorized by a person licensed to practice medicine and surgery, and direct communication is maintained, upon order of such person or such nurse may perform veni-puncture for the purpose of blood sampling collection and initiation and maintenance of intravenous infusion of saline solutions, dextrose and water solutions or ringers lactate IV solutions;

(c) perform, during an emergency, those activities specified in subsection (b) before contacting the person licensed to

practice medicine and surgery or authorized licensed professional nurse when specifically authorized to perform such activities by ~~written-protocols-approved-by-the-local-component-medical-society~~ medical protocols; or

(d) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by ~~written-protocols-approved-by-the-local-component-medical-society~~ medical protocols.

Sec. 4. K.S.A. 65-6121 is hereby amended to read as follows: 65-6121. Notwithstanding any other provision of law to the contrary, an emergency medical technician may perform any of the following:

- (a) Patient assessment and vital signs;
- (b) airway maintenance to include use of:
 - (1) Oropharyngeal and nasopharyngeal airways;
 - (2) esophageal obturator airways with or without gastric suction device; and
- (3) oxygen demand valves.
- (c) Oxygen therapy;
- (d) oropharyngeal suctioning;
- (e) cardiopulmonary resuscitation procedures;
- (f) control accessible bleeding;
- (g) application of pneumatic anti-shock garment;
- (h) management of outpatient medical emergencies;
- (i) extrication of patients and lifting and moving techniques;
- (j) management of musculoskeletal and soft tissue injuries to include dressing and bandaging wounds or the splinting of fractures, dislocations, sprains or strains;
- (k) use of backboards to immobilize the spine;
- (l) administer syrup of ipecac, activated charcoal and glucose;
- (m) monitor peripheral intravenous line delivering intravenous fluids during interfacility transport with the following restrictions:

(1) The physician approves the transfer by an emergency medical technician;

(2) no medications or nutrients have been added to the intravenous fluids; and

(3) the emergency medical technician may monitor, maintain and shut off the flow of intravenous fluid~~,-or,~~

(n) Perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by ~~written-protocols-approved-by-the-local-component-medical-society,~~ medical protocols; or

(o) Assist the patient in the administration of the following medications which have been prescribed for that patient: Auto-injection epinephrine, sublingual nitroglycerin and inhalers for asthma and emphysema.

Sec. 5. K.S.A. 65-6123 is hereby amended to read as follows:
65-6123. Notwithstanding any other provision of law to the contrary, an emergency medical technician-defibrillator:

(a) May perform any of the activities described by K.S.A. 65-6121, and amendments thereto, which an emergency medical technician may perform;

(b) when approved by ~~the--local--component--medical--society~~ medical protocols and where voice contact by radio or telephone is monitored by a person licensed to practice medicine and surgery or a licensed professional nurse, where authorized by a person licensed to practice medicine and surgery, and direct communication is maintained, upon order of such person or such nurse, may perform electrocardiographic monitoring and defibrillation;

(c) perform, during an emergency, those activities specified in subsection (b) before contacting the person licensed to practice medicine and surgery or authorized licensed professional nurse when specifically authorized to perform such activities by ~~written-protocols-approved-by-the-local-component-medical-society~~ medical protocols; or

(d) perform, during nonemergency transportation, those

activities specified in this section when specifically authorized to perform such activities by ~~written protocols approved by the local component medical society~~ medical protocols.

Sec. 6. K.S.A. 65-6144 is hereby amended to read as follows: 65-6144. A first responder may perform any of the following activities:

- (a) Initial scene management including, but not limited to, gaining access to the individual in need of emergency care, and ~~only-in-life-or-limb-threatening-situations, the appropriate~~ extrication extricating, lifting and moving the individual;
- (b) cardiopulmonary resuscitation and airway management;
- (c) control of bleeding;
- (d) extremity splinting excluding traction splinting;
- (e) stabilization of the condition of the individual in need of emergency care;
- (f) oxygen therapy;
- (g) use of oropharyngeal airways;
- (h) use of bag valve masks; and
- (i) other techniques of preliminary care a first responder is trained to provide as approved by the board.

Sec. 7. K.S.A. 1993 Supp. 65-6149 is hereby amended to read as follows: 65-6149. (a) Any certified attendant in this state may be certified in the use of automated defibrillators for cardiac defibrillation in accordance with the provisions of this act. The board shall adopt rules and regulations establishing minimum, basic standards governing training in the use of automated defibrillators in accordance with this act. This training shall be conducted by instructors who are qualified to conduct such training in accordance with the rules and regulations adopted by the board. The minimum course of training shall be not less than four clock hours in length and the maximum course of training shall be not more than six clock hours in length.

(b) Each local service provider shall develop medical protocols consistent with the criteria established by the board

~~and approved by the local component medical society if available.~~

(c) Upon the satisfactory completion of training in the use of automated defibrillators for cardiac defibrillation as authorized under this section, the certified attendant who has satisfactorily completed such training shall be issued a certificate indicating that such person has satisfactorily completed such training. The certificate shall be ~~issued in a form prescribed by the board by rules and regulations. The certificate shall be~~ valid through December 31 of the year following the date of initial issuance and may be renewed thereafter for a period of one year by ~~retaking and satisfactorily completing the training in the use of automated defibrillators for cardiac defibrillation authorized under this section~~ completing the continuing education requirements as prescribed by rules and regulations adopted by the board. An individual who holds a valid certificate under this subsection (c) may perform cardiac defibrillation with an automated defibrillator on a pulseless, nonbreathing patient.

(d) No individual who holds a valid certificate under subsection (c) for the satisfactory completion of training in the use of automated defibrillators for cardiac defibrillation shall be liable for civil damages as a result of the use by such individual of an automated defibrillator to provide cardiac defibrillation during an emergency, except such damages which may result from gross negligence or by willful or wanton acts or omissions on the part of such individual.

Sec. 8. K.S.A. 65-6119, 65-6120, 65-6121, 65-6123 and 65-6144 and K.S.A. 1993 Supp. 65-6112 and 65-6149 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.

HOUSE LOCAL GOVERNMENT
Attachment # 2-9
1 / 20 / 94

FRED GATLIN
REPRESENTATIVE, 120TH DISTRICT
CHEYENNE, RAWLINS, DECATUR,
NORTON, WESTERN PHILLIPS
610 MAIN
ATWOOD, KANSAS 67730



TOPEKA

HOUSE OF
REPRESENTATIVES

TO : Committee on Labor & Industry

FROM: Representative Fred Gatlin F. G.

SUBJ : House Bill 2434

DATE : January 20, 1994

I appear today in support of House Bill 2434. First, let me thank Chairman Brown for scheduling this hearing. This bill was introduced in the 1993 session. Local Government had a hearing on HB-2434. It did not advance. On the House Floor I amended another bill to include HB-2434. The Senate deleted the provision. The conference committee unswayed by my appeals chose the version which did not include HB-2434.

If you remember, I spoke last year of the situation in my home community. This year the situation is very different in Atwood. Rosalie Ross of the Rawlins County Square Deal will bring you up to date.

I wish to remind you of the testimony of Kansas Press Association last year. Then they asked that if the bill advanced, the 5,000 population differentiation be eliminated and the rule changed for all counties or none.

I ask for your support of HB-2434.

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I appear before you as the publisher of The Rawlins County Square Deal. Ours is a weekly newspaper which started with a circulation of 500 on October 1, 1992. Our paper has grown to a paid circulation of 1,703 subscribers, and an additional 225 papers are sold on the newsstands each week. We began in competition with a local weekly that boasted a 112-year history. Today we are the only newspaper being published in the county.

My name is Rosalie Ross and I have a background of approximately 15 years in the newspaper business. My roles include advertising sales, business management, writing and four years as publisher. I have been active in church and community affairs and served as city council member.

I appreciate the opportunity to be a proponent of House Bill No. 2434. I support the proposal which calls for a uniformity between county and city time requirements for longevity of publication.

I believe the county commissioners should be able to designate the newspaper which will best serve the people. The publication should meet all of the other requirements specified in Bill 2434.

The American governing process assumes chosen leadership will act in the best interest of the voters. County commissioners, who are much closer than Topeka to their constituents, should be better able to make an informed choice as to the newspaper best suited to inform the public. The mission of Legal Notices should be to circulate information as widely as possible.

Rawlins County, with a population of 3,371, has 2,200 registered voters. In the general election of November 1992, there was an 86% voter turnout. Our people are very much involved in the governing process. We want to be informed. People want public notices published in the newspaper which also brings them the bulk of their hometown news.

I encourage you to vote for this bill which leaves the final decision of designating the official paper in the hands of local governing bodies.

Thank you for your time.

Rosalie Ross
Atwood, Kansas

Genesis of a Newspaper

Grassroots efforts have brought forth a new newspaper for the people of Rawlins County and those who care about what happens "back home."

Its conception began in public meetings several months ago by readers who were dissatisfied with the fare presented in the local paper. After offers to purchase at a reasonable price were ignored, citizens from across the county pledged support of a locally-owned newspaper.

Each time obstacles arose, volunteer hands reached out to push them away. Subscriptions were solicited and come they did – from Maine to Oregon and Texas to North Dakota – but mostly from folks at home who want to know about the public and family news going on here.

Our staff is composed of experienced people who have worked together before and are eager to learn more about serving the needs of our readers.

Our name, "The Rawlins County Square Deal," grew from desires expressed by new subscribers wanting to go back to old fashioned ideals.

The masthead reflects the spirit of breaking new ground the hard way – with a walking plow.

It symbolizes our tie with the prairie (and a desire to tackle challenges) and a willingness to forge better things on a new frontier. We see hope and promise still viable in western Kansas. It was designed expressly for us by well-known Kansas artist, Anna Seeber-Shaw, a former Atwood teacher.

Success of this new venture lies with our readers. Readers supporting our advertisers will enhance the paper's chances. We solicit your family and community news, your opinions in letters to the editor, and your suggestions about ways to serve you better.

Our goals include: to be good stewards of your trust, to accurately and fairly report public meetings in a timely manner because we are aware of your 'right to know,' to carefully record our continuing history, and to keep you abreast of what is happening to your Rawlins County neighbors and scattered friends. We hope to serve you well in the years to come.

–Rosalie Ross

The Gyp Hill PREMIERE

P.O. Box 127 - 110 N. Main
Medicine Lodge, KS 67104
(316) 886-5654
Toll Free 1-800-246-7525

Thursday, January 20, 1994

Madam Chairman &
Committee Members for House Bill 2434

I would like to thank you for setting aside this time for my wife and me to come and testify today on behalf of our newspaper, The Gyp Hill Premiere, located in Medicine Lodge, KS.

This is our first visit to Topeka and the Capital of Kansas. We are very excited to be here and we hope that we will have enough time to see everything.

I would like to start by giving you a little history of my family's involvement in Kansas newspaper. My family has been in the newspaper business for over 25 years. Some of the towns in Kansas that we were directly involved with are: Logan, Mullinville, Kinsley, and Medicine Lodge. My family owned and operated The Barber County Index from 1968 - 1990. It was originally owned by my Grandfather, Bill Noland, who passed away in 1985. My Uncle Gary Noland managed the Index until my father, Ron Noland, moved my family from Kinsley to manage the Index in 1972. He ran it until its sale in 1990. My Uncle, Gary, has owned newspapers in California and now owns a small weekly in Montana called The Seeley Swan Pathfinder.

When my dad sold the Index in 1990 to Hometown Communications, of Destin Florida, it nearly shattered my dreams of ever owning a newspaper. At the time, I was a business major at Pratt Community College and the father of a brand new baby girl. I thought that I had just become unemployed, but to my surprise I was asked to stay on by the new company to manage the newspaper that my family had owned for so long. I quit college and excepted the position. The new owners promised no changes and that my job, which was pressman, would remain my job. I was also going to be responsible for the staff at the Medicine Lodge office, advertising and production of the paper. These promises were very appealing to a 20 year old and I went after it full guns. Two days after I was appointed General Manager I was asked to let go two long time employees. I was also notified that a crew from Alabama was coming in to remove the printing plant and move it to Pratt, where it would be more centrally located. Their promises were short lived. Obviously, I was not going to be the pressman.

It is very easy for me to lose direction in this testimony and use this time to complain about everything that happened to me and my staff that year. So, I will jump to the time of my resignation. In late June of 1990 I resigned as General Manager of The Barber County Index. Several businesses in town were very upset with the changes made in the newspaper and relations with the community were not good. It was at this time that residents and several businesses began encouraging me and my wife to start a community newspaper with local news and local advertising. Because I knew the law concerning legal publications, I declined at that time. Medicine Lodge did not have enough advertising to support two newspapers. I had decided to start a commercial printing shop and had begun building a clientele.

The community and merchants were very persistent about the idea of us starting a newspaper. The Chamber Of Commerce manager even came up with a name for the newspaper. Ronda and I began discussing the idea with some of the citizens and long time merchants of the community. Everyone we spoke to gave us their support in starting a newspaper. The last surprise was when a local bank in town called us to give us their support as well. We invested a small amount of money,

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which coincidentally was everything we owned and began the process of starting a newspaper in Medicine Lodge. We chose the name the Chamber of Commerce suggested, The Gyp Hill Premiere, because of the beautiful Gypsum Hills in Barber County. That seemed to best describe the area that we were to cover and represent.

Two employees of three that were employed at the Barber County Index at that time also came with us on our endeavor. Linda Rickard has been with us for nearly three years now. Linda started working for my dad in 1987. I am proud to have her on my staff. The Barber County Index's staff writer, Jodi Hungerford also joined us. After we got on our feet, she went back to college to study accounting.

We were told by the Publisher of the Tribune Publishing Co., which also publishes The Barber County Index, that we wouldn't make it six months without legal publications supplementing our advertising. He was wrong. The business owners of Medicine Lodge were great supporters of our paper. Nearly everyone began advertising in our paper.

In the beginning we averaged 8 - 10 pages per week. All of the area correspondents joined us and our paper grew from a circulation of 500 to 1000 in the first year. We have been able to afford a full time editor, Tate Henke. Henke has been a great addition to the staff and brings with him expert photography and writing skills. Now in our second year of publication, we have nearly 1400 readers. We also are printing an average of 12-14 pages weekly with a 40-50% advertising base in our newspaper. We get more news in our office weekly than we could ever possibly print in the size of newspaper that our advertising allows.

We have also expanded our business offices in Medicine Lodge. We are located in a newly remodeled building furnished to us at a very reasonable cost by a local attorney. We are very grateful to him for the support he has given us.

Even though we have been able to stay in business without being able to publish certain legal notices we feel that this law needs reform. Several problems have come up over the past two years. A problem arose last year when the Barber County Commissioners appointed our newspaper as The Official News of Record for Barber County. This didn't seem to be a problem until our competition, The Barber County Index, pointed out that our newspaper did not meet the requirements stated in K.S.A. 64-101 which required a newspaper to be in business for at least 5 years before the publication of any legal notice. I remained the official news of record despite the complaint of the Index. My term expired last week and the yearly appointment went to the other in county owned publication, The Kiowa News.

Other problems arose when both the City of Medicine Lodge and U.S.D. #254 appointed The Gyp Hill Premiere as their official newspaper. The only opposition to this came from the Barber County Index. The problem was reviewed by the Kansas State Attorney General's office and a review of the law prompted the Attorney General's office to write to the City of Medicine Lodge expressing his opinion of the law. He felt that K.S.A. 64-101 did not pertain to city publications. The City of Medicine Lodge then appointed us as their Official News of Record. The school chose to appoint us as well, but publish their legals in both newspapers. Several legals concerning estates and statements of condition have been sent back to attorneys.

Several readers have expressed their concern about legal notices that are not in our paper. They prefer our publication, but are not informed on Estate Sales, Oil and Gas Lease Notices, Foreclosures, Banking Statements of Conditions, and Custody and Adoption Notices. They are correct in understanding that they have a right to know these things. However, we do not have the right to print these in our paper. At one time, we considered asking attorneys to allow us to publish these at no cost to them as a courtesy to our readers. We found that it was too expensive for us to carry them without compensation for the space it used in our paper. We do, however, continue to publish some legals at no cost as a courtesy to our readers. We believe that the number one responsibility of a newspaper is to inform its readers.

Not only would the changing of this law give our readers more information, but it would also increase advertising percentages. This would add pages to the newspaper, consequently allowing for more room for more news.

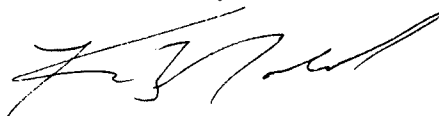
As I understand, the history of creating this law was to protect newspapers from fly-by-night operations that would come in and undercut prices of established newspapers to get in on the money that is generated from publishing the notices. If this law changes and is made uniform for all newspapers in all counties in Kansas, it will help newspapers in our situation and The Rawlins County Square Deal's situation to better inform our readers and give it a boost economically to increase the amount of coverage it already gives to its readers.

We believe that our newspaper has already proven that it is a stable, responsible publication. Many newspapers that have been in business for a number of years would not be able to endure what The Rawlins County Square Deal and The Gyp Hill Premiere have gone through depending entirely on its local merchants for revenues. Legal publications are both an important right of its readers and a form of revenue common to any newspaper.

Publication of legals and advertisements are a basic part of every newspaper and should not be restricted by the newspaper's age, size, or location. Originally, I viewed this law as a restraint of trade that restricted the growth of a new second class publication. I blamed the law for keeping many communities from having a local newspaper. Although the law does to a certain aspect restrain the growth of new publications, the success of any newspaper relies on its effort in the community and the support of its readers and advertisers. However, changing this law will allow us to better serve others. Newspapers are people serving people...

Thank you for your time and review of this law. Special thanks to Richard Alldritt for the help he has given to Ronda and me, and for the extra effort he makes for our district.

Sincerely,



Kevin J. Noland, Publisher
The Gyp Hill Premiere

House Substitute for SENATE BILL NO. 153

By Committee on Local Government

AN ACT concerning cities; relating to special assessments to pay the costs of improvements authorized thereby; amending K.S.A. 12-6a09 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 12-6a09 is hereby amended to read as follows: 12-6a09. (a) As soon as the total cost of any improvement is determined, or the governing body has approved an estimate of the total cost of the improvement in the case of assessments to be levied as determined pursuant to subsection (c), the governing body shall cause the assessments against each lot, piece or parcel of land deemed to be benefited, to be determined in the manner set forth in the resolution as to advisability of the improvement provided for in K.S.A. 12-6a04, and amendments thereto, and an assessment roll shall be prepared.

(b) The proposed assessment roll shall be filed with the city clerk and be open for public inspection. The city clerk ~~shall-thereupon,~~ at the direction of the governing body, shall publish notice that the governing body will meet to consider the proposed assessments. Such notice shall be published in a newspaper at least once not less than ~~ten-(10)~~ 10 days prior to such meeting of the governing body and shall state the date, time and place of such meeting, and the general nature of the improvement, and its cost, the extent of the improvement district proposed to be assessed, and that written or oral objections will be considered at such a hearing. At the same time, the clerk shall mail to the owners of the property made liable to pay the assessment, at their last known post office address, a notice of the hearing and a statement of the cost proposed to be assessed; against the land so owned and assessed; but the failure of any owner to receive such notice shall not invalidate the

proceedings.

(c) As an alternative to determining the amount of the assessments after the total cost of the improvement has been determined, the governing body, prior to commencement of construction of the improvement, may determine the maximum amount of the assessments against each lot, piece or parcel of land deemed to be benefitted by the improvement based on the approved estimate described in subsection (a). Such determination shall be made in the manner provided in the resolution adopted pursuant to K.S.A. 12-6a04, and amendments thereto. Following such determination, an assessment roll shall be prepared and filed with the city clerk and a hearing shall be called and held to consider the proposed assessments as provided by subsection (b). Such assessments shall be levied in the manner provided by K.S.A. 12-6a10 and 12-6a11, and amendments thereto. The governing body of the city shall not be precluded from levying supplemental assessments as authorized by and for the reasons stated in K.S.A. 12-6a12, and amendments thereto. If the final cost of the completed improvement is less than the maximum amount of the assessment determined under this subsection, the governing body of the city shall adjust the assessments to reflect the cost of the completed improvement.

Sec. 2. K.S.A. 12-6a09 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.