Approved:	March	28,	2011	
			Date	;

#### MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Steve Huebert at 3:30 p.m. on March 17, 2011, in Room 144-S of the Capitol.

All members were present except:

Representative Steve Huebert – excused Representative Harold Lane – excused Representative Amanda Grosserode – excused

#### Committee staff present:

Martha Dorsey, Kansas Legislative Research Department Eunice Peters, Office of Revisor of Statutes Florence Deeter, Committee Assistant

#### Conferees appearing before the Committee:

Kim Winn, Deputy Director, League of Kansas Municipalities
Joe Grisolano, President, Kansas County Treasurers Association
Erik Sartorius, City of Overland Park, Kansas
Marcy Knight, Assistant City Attorney, City of Lenexa, Kansas
Jim Edwards, Assistant Executive Director, Kansas Association of School Boards
Linda Mowery-Denning, Editor-Publisher, Ellsworth County Independent-Reporter
Dane Hicks, Publisher, The Anderson County Review, Garnet, Kansas
Kenneth Knepper, Advertising Director, Sun Publications, Overland Park, Kansas

#### Others attending:

See attached list.

Vice-Chairman Seiwert opened the hearing on <u>HB 2166 - Cities; Use of internet as official publication of required notice</u>.

Staff Eunice Peters briefed the committee, saying that the bill gives muncipalities the authority to publish legal notices, adverisements, resolutions and ordinances on a website rather than in the newspaper. Specific qualifications are in place for second- and third-class cities that choose to use a website for publication. Requirements for newspaper publication are included in the bill. The governing body of each city or municipality must designate by resolution which publication source is to be used.

Kim Winn, Deputy Director, League of Kansas Municipalities (LKM), spoke as a proponent of **HB 2166** saying that LKM has maintained a policy in favor of allowing the use of the internet for publishing notices (<u>Attachment 1</u>). She reported that, since cities spend millions of dollars annually in compliance with statutory requirements, the implementation of the tenets of this bill could result in lower budgets for local governments. Ms. Winn assured the committee that cities must maintain ordinance books with printed information to be available to the public. She requested clarification for sub-section (d) indicating a change in wording from "comply," which is interpreted to mean publishing in both the newspaper and on the website, to the use of "option," indicating a choice of either media.

Joe Grisolano, President, Kansas County Treasurers Association, speaking in support of <u>HB 2166</u>, said that county governments should be allowed the choice of publication for legal notices (<u>Attachment 2</u>). Mr. Grisolano noted that with state funding cuts and more tax exemptions, counties are hard pressed to continue providing services to the public. He supports the options provided in <u>HB 2166</u>.

Erik Sartorius, City of Overland Park, Kansas, spoke as a proponent of <u>HB 2166</u>. He indicated that Overland Park has been publishing legal notices on their website for about three years (<u>Attachment 3</u>). He reported the use of the City's website has increased by 62% since its inception. Mr. Sartorius said that, over the past five years, the City of Overland Park has averaged \$78,325 annually to publish legal notices, a figure that would fund hiring another police officer in Overland Park if the bill is passed favorably.

Marcy Knight, Assistant City Attorney, City of Lenexa, Kansas, provided testimony in favor of <u>HB 2166</u>. She said that current law requires notices to be published in weekly/daily newspapers, which often have limited circulation (<u>Attachment 4</u>). She noted that in a recent survey of citizens, 80% of Lenexa residents reported they would use the City's website to obtain needed information. Ms. Knight requested the

#### **CONTINUATION SHEET**

Minutes of the House Elections Committee at 3:30 p.m. on March 17, 2011, in Room 144-S of the Capitol.

committee find the bill favorable for passage.

Jim Edwards, Assistant Executive Director-Operations, Kansas Association of School Boards (KASB), spoke requesting that local school boards be included in the language of **HB 2166**. He reported that KASB holds the position that school districts could provide pertinent information to patrons in the district at a much lower cost if website usage were available (<u>Attachment 5</u>).

Linda Mowery-Denning, Editor-Publisher, Ellsworth County Independent-Reporter, speaking as an opponent to <a href="HB 2166">HB 2166</a>, said that residents of the county, which is a rural area, remain committed to the Ellsworth County Independent-Reporter for news about the community as well as information of national importance (<a href="Attachment 6">Attachment 6</a>). Ms. Mowery-Denning said that the city administrator reported the city's budget outlay for public notices was a fraction of one percent. She lamented the amount of information not currently published in newspapers, such as the financial condition of banks and the names of businesses that fail to pay taxes.

Dane Hicks, Publisher, The Anderson County Review, Garnet, Kansas, speaking as an opponent to <u>HB</u> <u>2166</u> holds the opinion that the best way to inform the public of legal notices is through the newspaper (<u>Attachment 7</u>). He said that the cost savings touted in website usage would be negligible and that critical legal information could be less available to the public.

Kenneth Knepper, Advertising Director, Sun Publications, Overland Park, Kansas, spoke opposing **HB 2166**. He said notices published in Kansas newspapers give citizens information about government activities, community services and transparency for the public (<u>Attachment 8</u>).

Written testimony in opposition to **HB 2166** was submitted by the following: Joe Warren, Publisher/Editor, Atchison Globe, Atchison, Kansas (Attachment 9), Sandy Nelson, Publisher, Sun Publications, Overland Park, Kansas (Attachment 10), Lee M. Sawyer, General Manager, NPG Newspapers, Inc., St. Joseph, Missouri (Attachment 11), Ned Seaton, General Manager, The Manhattan Mercury, Manhattan, Kansas (Attachment 12), Darrel Adams, Publisher, Dodge City Daily Globe, Dodge City, Kansas (Attachment 13), Doug Anstaett, Executive Director, Kansas Press Association, Topeka, Kansas (Attachment 14), Ned Valentine, Publisher, Clay Center Dispatch, Clay Center, Kansas (Attachment 15), John Baetz, Publisher, Sixteen 60 Publishing Compnay, Chapman, Kansas (Attachment 16), William "Skip" Hidlay, President and Publisher, The Wichita Eagle, Wichita, Kansas (Attachment 17), Rich Gannon, Director Govrnmental Affairs, Kansas Press Association, Topeka, Kansas (Attachment 18), Keith Lippoldt, Publisher, The Pratt Tribune, Kiowa County Signal, The St. John News (Attachment 19), Chuck Kurtz, Government Reporter, Sun Publications, Overland Park, Kansas (Attachment 20), John Montgomery, President, Hutchinson Publishing Company, Hutchinson, Kansas (Attachment 21), Eileen King, Riley County Treasurer, Representative of Kansas County Treasurers Association and Kansas County Officials Association (Attachment 22), Donald R. Merriman, Saline County Clerk and Election Officer, President, Kansas County Clerks and Election Officials Association (Attachment 23).

Following discussion, the hearing on HB 2166 was closed.

The Vice-Chair allowed committee consideration of <u>HB 2166</u>. Representative Mah moved to amend the bill replacing "comply" with "shall satisfy the requirements." Representative Sloan seconded the motion. The motion to amend passed.

Representative Sloan moved to amend the bill stating, "If an internet website is selected as the official publication source for a municipality, the municipality shall also publish in an official newspaper a summary of the notice. That summary shall include a reference to the official website with full text of the notice and where it can be found." Representative Mah seconded the motion. The motion passed.

Following extensive discussion, <u>Representative Otto moved to table **HB 2166** until early in the 2012 legislative session suggesting all parties work together toward a solution. <u>Representative Hineman seconded the motion</u>. <u>The motion passed 5-3 to table the bill</u>.</u>

The Vice-Chair requested the committee consider <u>SB 40 - Counties</u>; certain contracts exempt from bidding. Representative Sloan moved to amend the bill by deleting the comma on line 24, insert the

#### **CONTINUATION SHEET**

Minutes of the House Elections Committee at 3:30 p.m. on March 17, 2011, in Room 144-S of the Capitol.

words "or safety" then delete "and welfare." Representative Carlin seconded the amendment. The amendment passed.

Representative Mah moved to amend the bill beginning on line 31 by adding "construction of replacement building remain subject to the provisions in Sub-section (a)." Representative Carlin seconded the motion. The motion to amend was passed.

<u>Representative Sloan moved to pass SB 40 as amended.</u> <u>Representative Hineman seconded the motion.</u> <u>The motion passed as amended.</u> Representative Carlin will carry the bill on the floor.

The Vice-Chair requested the committee consider <u>SB 119 - Rail service improvement program loans</u> <u>and grants</u>. Representative Hineman moved to pass <u>SB 119</u>. Representative Otto seconded the motion. <u>The motion passed</u>. Representative Hineman will carry the bill on the floor.

The Vice-Chair requested the committee consider <u>SB 112 - Amendments to statutes pertaining to land surveyors</u>. Representative Sloan moved to pass <u>SB 112</u>. Representative Worley seconded the motion. The motion passed. Representative Otto will carry the bill on the floor.

The meeting was adjourned at 5:20 p.m. There are no additional meetings scheduled for 2011.

# HOUSE LOCAL GOVERNMENT

# **GUEST LIST**

DATE: March 17, 2011

NAME	REPRESENTING
Kim Winn	LKM
In Elwads	KASB
Jue Grisclano	Ks. Co. Transmers Assoc
Erleen King	KS CO Troos ASSOC
579 REACHZY	h /
Doug Anstaett	KS Press Assm
Kenneth Knepper	Johnson County Sun/KPA
Sinder Denning	Ew Ce Independent / Kpx
Rotal publicy	LS. RRZ
Lindsey Douglas	KOOT
ROGER BASINGER	DefA
Berend Koops	Hein Law Kirn
Thelisse Waigemann ERIK SARTORIUS	KAC
ERIK SARTORIUS	City of Overland Park
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To: House Committee on Local Government

From: Kim Winn, Deputy Director

Date: March 17, 2011

Re: Support for HB 2166

On behalf of the member cities of the League of Kansas Municipalities (LKM), I thank you for the opportunity to appear today in support of HB 2166. For a number of years, LKM has had a policy position in favor of allowing the use of the Internet for publishing purposes.

- Removes an Unfunded Mandate. The continued requirement that various
  publications be placed in newspapers is a significant unfunded mandate. Cities
  spend millions of dollars annually to comply with this statutory requirement.
  Passage of HB 2166 would represent an important budgetary savings for local
  governments during this extreme budget crisis that governments at all levels are
  facing.
- Allows for Better Notice for Citizens. Allowing a city to use their Internet site for publication actually increases notice to the public. No longer will a citizen have to purchase a newspaper on a given day and sort through the fine print of the legal section in order to review such publications. Instead, they will be posted on a searchable website, for everyone to see, free of charge, anytime day or night.

Kansas is one of only six states that requires publication of the full text of ordinances (see attachment). Most other states either do not require publication at all, or they allow for a summary form to be published rather than the full text. LKM has on numerous occasions offered to work on a compromise to this issue. In the past, we have agreed to legislation that would require a summary of the publication in question to be placed in the newspaper with the full text appearing on the city's website.

Thank you in advance for your consideration of this legislation. LKM stands ready to work with the Committee and other interested parties to craft a solution to mitigate the existing unfunded mandate that is included in the current law. We encourage your support for HB 2166.

I would be happy to stand for questions at the appropriate time. Thank you.

			rnment
Date	3-17	-11	
Attach	ment	1	

State	Full Text Required	Summary Allowed	Others	Statute
Alabama	X	Idiowed	Others	Number § 11 - 45 - 8
Alaska	21		No publishing requirement; pre-adoption notice of intent	Alaska Stat. § 29.25.020
Arizona	X			39 - 204; 9 - 219; 9-812
Arkansas	X			14 - 55 -206
California		X		369 - 33
Colorado			Title only	31 - 16 - 105
Connecticut		X	·	Sec. 7-157
Delaware			Notice of intent only	22 - 8 - 812
Florida		X	Title and sub-areas	166.041 (3)(a)
Georgia			Pre-adoption notice of intent	O.C.G.A. § 36-35-3 (b) (1)
Hawaii		X		§ 46-2
Idaho		X	Must include penalities & information concerning real property	50 - 901; 50 - 901A
Illinois			Newspaper or pamphlet available	65 (IOCS) - 5/1-2-4
Indiana			No publishing requirement; available in clerk's office	IC 36-1-5-4
Iowa		X		Title 9; Subtitle 4362.3
Kansas	X			K.S.A. 12-3007
Kentucky		X		83a.010, 83a.060
Louisiana			No publication requirement	33 - 406(d)(2)
Maine			Pre-adoption notice	30 a § 3003-3004
Maryland		X	Charter amendments only	23a - 15
Massachusetts			Varies: if city opts into charter then if the ordinance exceeds 8 octavo pages of ordinary book print it can be in a pamphlet and not full text	40 - 32A
Michigan		X		Act 279; Section 117.5b
Minnesota		X		331A.01, subdivision 10



		If summary, can post entire	and the second s
		ordinance at city hall and one	Miss. Code Ann. § 21-17-19
Mississippi	X	public place	
Missouri		No publication required	71.94
Montana		No publication required	7 - 1 - 4127; 7 - 5 - 103
Nebraska		Newspaper or pamphlet available	§ 15-402, 17 - 613, 16 - 403
Nevada	. X	Title and subject matter	NRS 266.115 (3)(b)
New Hampshire	X		RSA 47:18 (2008)
New Jersey		Either	40:49 - 2
New Mexico	X	Post publication requirement in full text or summary	3 - 17 - 3
New York	X		MHR Art. 3 - 20, 25, 27
North Carolina	X	Effects only	N.C. Gen. Stat. § 160A-102
North Dakota	X	Title and penalty clause only	40 - 11 - 06
Ohio	X	Local option in city charter	7 - 705.16
Oklahoma	X	Title included	11 O.S. 14-10
Oregon		No publication required	ORS 221.330
Pennslyvania		Either	Borough53 P.S. 45101First Class Township Code 53 P.S. 55101 Second Class Township Code 53 P.S. 65101 Third Class City Code 53 P.S. 35101
Rhode Island		No publication required	45-6-7
South Carolina		No publication required	5 -7 -290
South Dakota X		Exception for amendments to planning and zoning	9 - 19 - 7
Tennessee	X	Notice of any new provisions and penalty	6-54-508 - 509
Texas	Х	Summary must include any fines or forfeiture	LGC 52.011 (b)
Utah	X		§ 10-3-711

Vermont		X	Can publish full text or summary	24 V.S.A. 1972(a)
Virginia		X	Title only	§ 15.2-1427 (c)-(F)
Washington		X	Either; local option	RCW 35A.12.160
West Virginia		X	Pre-adoption notice of intent summaryif raising revenue	§ 8 - 11 - 4; § 59-3-1
Wisconsin		X	Summary allowed if no penalties; requires publication if there are penalties	§ 66.0103; § 59.14
Wyoming	X			§ 15 - 1 - 116, 110



#### KANSAS COUNTY TREASURERS ASSOCIATION

March 17, 2011

TO: Kansas House Committee on Local Government

From: Joe Grisolano, Crawford County Treasurer

President, Kansas County Treasurers Association Board member, Kansas County Officials Association

SUBJECT: HB 2166

Chairman Huebert and Committee Members:

On behalf of the Kansas County Officials Association, Kansas County Treasurers Association and Crawford County, I am here to speak in favor of HB 2166. This bill allows city and county governments to select a newspaper or an internet website to be the official publication source for legal notices.

This legislation will reduce cost for local governments. Recently, we have been hit hard by the economic downturn, funding cuts from the State, and tax exemptions that have been passed down to the local level. Meanwhile, counties are still providing essential services the public needs and deserves.

The existing legislation has been in effect prior to the technology currently available. We believe local governments should be allowed to use modern technology to save taxpayers money. HB 2166 allows the option for legal notices to be posted on a website to save publishing costs. In 2010, Crawford County, a medium sized Kansas County, spent approximately \$44,500.00 for printed legal notifications, while concurrently maintaining an updated website for public access of county information. This legislation allows local governments the opportunity to reduce expenses.

Thank you for your consideration of HB 2166 and allowing me to address you today.

	cal Government
Date_3-	17-11
Attachmen	nt <u> </u>



ABOVE AND BEYOND, BY DESIGN.

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Testimony before the House Local Government Committee
Regarding House Bill 2166
Presented by Erik Sartorius
March 17, 2011

The City of Overland Park appreciates the opportunity to share with the committee its support for House Bill 2166. Allowing cities to publish required legal notices on their websites would save scarce funds while still ensuring the public is informed of city business.

Overland Park values the use of technology in delivering information and services to its citizens. Publishing legal notices on the City's website creates a permanent record for citizens to access. The City has been publishing legal notices on our website for about three years.

Removing the requirement that such notices be published in their entirety in a newspaper would at the same time save taxpayers money. Over the past five years, the City of Overland Park has spent an average of \$78,325 annually to publish legal notices.

As you are well aware, readership for traditional, printed newspapers is declining. The Pew Research Center's Project for Excellence in Journalism just released its annual report on the "State of the Media." For the first time, more people said they got their news from the web than from newspapers. The place of newspapers in society, for better or worse, is changing. Operations in Kansas are no different. In recent years, newspapers have ended publication (Derby Reporter) or altered their business model (Kansas City Kansan, developing an online only presence).

The number of individuals using the Internet continues to increase. A survey conducted by the City a year ago revealed ninety-three percent (93%) of residents have access to computers, and ninety-eight percent (98%) have access to the Internet in some manner.

Furthermore, we have seen significant growth in the amount and type of use of the City's website. In 2002, 39% of respondents said they had accessed the City's website; in 2009, that number had grown to 62%. Even more telling was the response when asked where they get their information about Overland Park. The City's newsletter and website rank first and third, respectively, as citizens' source of news about the City. We wish to deliver information to citizens in the manner sought by them.

The City of Overland Park supports the goal of House Bill 2166, and asks that the committee report the bill favorably for passage.

House Local Government Date 3-17-11



#### WRITTEN TESTIMONY IN SUPPORT OF HB 2166

To: The Honorable Steve Huebert, Chairperson

Members of the House Local Government Committee

From: Marcy Knight, Assistant City Attorney

Date: March 14, 2011

Thank you for the opportunity to submit written testimony in support of HB 2166. This bill would allow cities and counties to designate an internet website as its official publication source.

The City of Lenexa supports online publications for legal notices because it would save significant taxpayer money while providing improved access to these important government notices. Current law requires notices to be published in a newspaper distributed at least weekly; yet there are no minimum subscription or reader requirements. Consequently, many legal notices are published in newspapers with very limited circulation that are available to only a small segment of the general public.

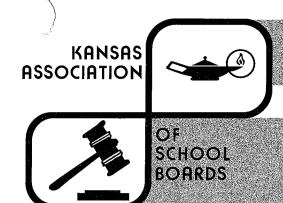
Allowing online publications would provide better access to the City's residents and to the general public because of the increased use of computers for accessing information and the ability to use search engines, such as Google, to find keywords. In fact, according to a recent citizen survey, 91% of Lenexa residents reported using the internet from home in the last week, and 80% of residents said they would use the City's website to get information about the City. Additionally, cities and counties would be free to provide even greater information online without worrying about increased publication costs.

If notice to the public is the goal, online publications would be the best and most efficient method to achieve this goal.

In these tough budget times, the City and its residents would benefit from HB 2166 by reducing costs and improving access to information. Therefore, the City of Lenexa asks you to support this bill.

If you need any additional information, please do not hesitate to contact me at (913) 477-7615 or by e-mail at <a href="mailto:mknight@ci.lenexa.ks.us">mknight@ci.lenexa.ks.us</a>. Thank you for your consideration.

House Local Government
Date 3-17-11
Attachment 4



1420 SW Arrowhead Road • Topeka, Kansas 66604-4024 785-273-3600

Testimony before the

House Local Government Committee

on

HB 2166

by

Jim Edwards Assistant Executive Director - Operations

Kansas Association of School Boards

March 17, 2011

Mr. Chairman, Members of the Committee:

KASB appears today on **HB 2166** to request that local school boards be included in this measure. Doing so would give local school boards the option of designating the district's official website as the official publication source for the district.

Mindful of the current year reductions in funding and the strong likelihood of further cuts without increased state revenues, KASB believes that school districts should have more ability to make decisions regarding the most effective use of resources in meeting the needs of their community.

We believe **HB 2166** clearly falls under this position. It would allow school districts the ability to reduce the cost of providing information to the public by switching from the medium of printed newspapers to instead providing information directly to the public through new technologies. Using a website may very well allow the districts to reach more patrons at a lower cost for both the reader/viewer and the school district.

It should be stressed, however, that this should not *require* such a change. Local school boards, which are elected by and accountable to the voters, would decide in each community the most effective way to provide legally required information to the people.

Thank you for your consideration.

House Local Government
Date 3-17-11
Attachment 5

# INDEPENDENT/REPORTER

To members of the Local Government Committee of the Kansas House of Representatives

Thank you for giving me this opportunity to present written testimony.

They say death and taxes are the only things we can really be certain of in this life. Well, in Kansas, we can add another item to our list of sure things — a yearly attempt to keep the business of government in the hands of government.

As you are aware, House Bill No. 2189 would require notices of elections and other items of interest to the general public to be published once in the official newspaper and then on government websites, thus reducing the number of times such public notices appear in the newspaper.

Such a change makes no sense, especially in rural regions such as Ellsworth County, where residents may or may not have access to the internet. Further, with resources being eroded by budget reductions, keeping a city or county or any public website current is a matter of time and — in some cases — luck.

Despite what you may have read in the national press, newspapers are alive and well in Kansas. The residents of Ellsworth County still turn to the Ellsworth County Independent-Reporter for news about their communities and the activities of their government officials.

Of course, as with everything, there is an economic side to the issue of public notices. I can't speak for other newspapers in the state, but the Independent-Reporter takes our charge very seriously as the official newspaper of the county, cities and school districts. We keep our rates as low as possible, finally raising them this year for the first time since 2003. We are very aware that these notices are often paid with taxpayer dollars.

That said, I would argue that we provide a valuable, economical and dependable service to the government entities for which we serve as the official newspaper. I suspect the system proposed by HB 2189 and others who would place public notices on the internet actually will cost the government more because additional resources will be needed.

Several years ago, I asked the Ellsworth city administrator to figure the percentage of the

city's budget which went to pay for public notices. It was a fraction of 1 percent.

That's a bargain for a system that has worked well for many years and continues to do so, even in this age of technology. In fact — given the economy and attempts to curb spending — shining an independent light on the activities of government is more important than ever. Instead of talking about reducing the number of public notices in newspapers, we should be thinking about all the public notices we no longer publish. The public has a right to know the financial condition of its banks and the names of businesses that fail to pay their taxes, to name two. Now that would be a conversation worth having.

I appreciate your time.

Linda Mowery-Denning Editor-Publisher Ellsworth County Independent-Reporter 220 N. Douglas Ave. Ellsworth, Kan. 67439 (785) 472-5085

House Local	Governm	ent
Date 3-17	- //	
Attachment	6	



February 15, 2011

To: Committee on Local Government
Re: Testimony- Opposition to HB 2189

Chairman and committee members,

HB 2189 reduces government accountability to the public in reducing public notice frequency in newspapers, saves no appreciable money for local governments and reduces the effectiveness of counties' main delinquent tax collection effort.

Please consider the following:

- 1) public notices overall constitute a miniscule amount of local government budgets. Imagine that you eat 100 hotdogs a year and decide this is your year to lose weight. You take one of those hotdogs and slice it into 10,000 pieces, and you throw away two or three of those slices. Then you eat the rest, along with the other 99 hot dogs. Public notices typically make up a few ten-thousandths of one percent of a local government's annual budget. The economics here simply don't exist to save the city, county or school district any noticeable funds.
- 2) Public scrutiny from the annual publication of delinquent tax payers in the local paper is widely known to be the best, most cost-effective single collection effort for those property taxes. Actions against each parcel include a \$15 fee for publication. If publication is reduced, the fee should be reduced proportionately.
- 3) Regarding the above, most counties **make money** by charging those fees. In Anderson County, the three-week publication of the 2010 list of 622 parcels would have cost just under \$4,486, but the county assessed publication fees that remain with that property of \$9,330. These are paid when the property is redeemed or when it is sold at a sheriff's sale, etc.
- 4) Adequate publication in the local paper is the most open means by which government can meet its responsibility to notify citizens of its most crucial actions. Minimizing it by reducing it and hiding it away on a nebulous website is a violation of that responsibility and of the public's trust in government.

(cont'd)

Garnett Publishing, Inc., P.O. Box 409, Garnett, Ks., 66032 • (785) 448-3121 (800) 683-4505 • FAX (785) 448-6253 • Email: review@garnett-ks.com

House Local Governmen	t
Date $3-19-11$	
Attachment 7	

HB 2189 testimony, cont'd

Among the inbox-clogging press releases local papers receive by email each day, nearly all contain a web address. Owners of websites want newspapers to publicize their sites because they can't attract traffic on their own. Websites don't fill the bill for the publicity needs of organizations, companies and candidates running for election — and they won't fill the bill for public notices.

HB 2189 offers only the savings of a few ten-thousandths of one percent of city, county or school district spending. It costs public trust as well effectiveness and efficiency in delinquent tax collection. It doesn't add up.

Sincerely,

Dane Hicks, Publisher The Anderson County Review Garnett, Ks.



February 14, 2011

Kansas House of Representatives Local Government Committee Mr. Steve Huebert (R), Chairman

Dear Mr. Huebert and Local Government Committee members:

To some officials, House Bill #2189 may represent a simple measure for cost-savings in Kansas government.

However, we disagree with that assessment.

Ultimately, the price for removing public notices in any amount from Kansas newspapers could prove far more costly than any potential savings for a variety of reasons:

- 1. It limits the accessibility for taxpayers without Internet access or computer skills;
- 2. It dilutes the record of governmental action;
- Requiring people to gather information from specific websites rather than in a newspaper could
  effectively reduce public scrutiny of official activities, essentially creating a more closed-door
  government;
- 4. The cost to develop and maintain viable websites for public records will not be free. Yes, the cost to print a notice in the newspaper will be gone, but new costs associated with creating and maintaining online records will be added.

Public notices published in Kansas newspapers provide citizens of the state a window into their government through an independent third party voice.

Historically, citizens of our state have sought and deserved that same accountability from elected officials – right down to the way their tax dollars are spent.

A truly open government makes that possible as the heart and soul of democracy. And, requiring governmental agencies to disclose their actions to the public is crucial for maintaining that goal.

Once a newspaper is published in print, there is a permanent record of government's actions -- one that cannot be altered or erased with little or no notice or even become inaccessible when the electricity goes out.

There are five more elements for why newspapers make sense:

- We're independent of the government or other entity that is compelled to provide notice;
- We're verifiable so citizens can satisfy themselves that notice was properly given. That's why an
  affidavit from the newspaper is provided attesting to the type and date of publication;
- It is archivable, so future generations can retrieve the information;
- It is available to a broad range of people because it is in print form.

htt	tp://www.sunpublication	is.com
The Sun	Newspapers - Kansas City I	Nursing News

House Local Government Date 3-17-11Attachment 8



 One statute – delinquent taxes – even allows government to cover costs of publishing the notice by allowing a charge of \$15 per delinquency.

People read public notices because they are right in front of them in newspapers where they already follow activities in their communities. Removing a portion of those notice dates from Kansas newspapers would require people to go online and actively seek out the records from governmental websites, instead. Taxpayers would no longer know whether the entry they are reading on the government's website includes something new or altered, unless they frequented that website nearly daily and had a newspaper to verify content, anyway.

Ever since public notices were tacked to a tree or door of a government agency more than 125 years ago, Kansas newspapers have been an important institute in maintaining information about government activities in order for the electorate to make well-informed decisions.

Unfortunately, passage of House Bill #HB2189 effectively risks a first step toward closing the same government body doors that promise transparency to constituents during campaigns for election — and it becomes an initial plan to eventually shut out those same Kansas citizens who are ultimately responsible for paying government's bills.

Sincerely

Kenneth Knepper Advertising Director

Sun Publications

4370 W. 109th St./Suite 210

Overland Park, Kan., 66211



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Phone: • 913-367-0583 • Toll Free: 1-800-748-7615 • FAX: 913-367-7531 • 308 Commercial St. • P.O. Box 247 • Atchison, Kan. 66002

#### Dear members of the Kansas House:

Freedom of the Press is an ideal held so important to the founding fathers of this country that it was included in the First Amendment to the United States Constitution. It is this right that allows newspapers to be truly independent of the government at all levels. It is this right that provides the government with proper checks and balances, free from undue restraint and restriction.

With this freedom comes a great responsibility, as newspapers are also held to the highest standards of accuracy. These standards are so great and met on such a regular basis, that newspaper records have been used in courts for many years as a source of what happened, or as proof of the government's diligence to inform the public.

These standards cannot be met by any website.

That is why it is vital that the government's responsibility to inform the public not be tinkered with. Whether minimizing the number of times legal publications have to run as in HB 2189, or eliminating the need to publish at all as in HB 2166, the government should not be allowed to operate unchecked.

That's not to say government websites shouldn't be utilized. It is commendable that local governments would use their own websites to publish any and all correspondence with the public it serves. Websites are a great addition to public discourse.

However, government sites are not — nor should they ever — taking the place of traditional media. In any sense, a website should not be used in lieu of the respected and reliable source that is a community's newspaper. There are too many opportunities for abuse of power — and it has been proven over and over again that when power is unchecked, it is not in the best interest of the general public.

The laws were written for a reason. It might help this body to look into the spirit of those laws that could be affected by HB 2189 and HB 2166.

Newspapers understand all too well the financial hardships that are a result of the current economic climate. Yet we still have the burden of accuracy. It would be cheaper if it weren't so. Sometimes doing something to save a few dollars can come at the cost of what is right. I beg you to do the right thing.

Sincerely,

Joe Warren Publisher/Editor Atchison Globe

	Government
Date 3-17	7-11
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February 14, 2011

Steve Huebert Local Government Committee

The Kansas Legislature is considering allowing local government to place public notices on the Internet instead of publishing them in newspapers.

Our response is simple: Taxpayers shouldn't have to check government websites to find out what activities and decisions their elected officials are considering.

Public notices should be fully and easily accessible to anyone, at any time. Local newspapers provide a vehicle that delivers public notices that cannot be altered, cannot be hacked into, and are accessible for anyone to read. Once a legal publication is printed in a newspaper, it immediately becomes permanent record.

As of now, the Internet cannot compare.

This dangerous legislation infringes on the public's right-to- know. We urge you to reconsider.

Regards,

Sandy Nelson

Publisher

The Johnson County Sun

The Miami County Republic

The Osawatomie Graphic

The Louisburg Herald

http://www.sunpublications.com
The Sun Newspapers - Kansas City Nursing News

House Local Government Date <u>\$-12-11</u>



Lee Sawyer General Manager (816) 271-8601 (816) 271-8695 Isawyer@npgco.com 825 Edmond Street • St. Joseph, MO 64501

February 14, 2011

Steve. Huebert Local Government Committee

Dear Steve,

I have strong concerns with regards to House Bill number 2189. It is our belief that having public notices in the local newspaper gives citizens continuous factual notification of important information regarding expenditures and announcements provided by local governments. Having those notices appear only on a government websites will restrict broader knowledge of these issues and programs that tax payers should be aware exist. NPG Newspapers, Inc. has publications in Paola, Louisburg Osawatomie, Atchison, Hiawatha and Johnson County.

We hope that this Bill will get no traction and support. Having public trust through communication in the local newspaper is a good way to help government stay as transparent as possible.

Thank you for your consideration in this matter.

Sincerely,

Lee M. Sawyer

House Local Government Date 3-17-11



318 N. 5th St: Manhattan, KS 66502 785-776-2300 www.themercury.com

Feb. 11, 2011 NED SEATON, GENERAL MANAGER

State Rep. Steve Huebert Chairman, Local Government Committee Kansas House of Representatives

I understand that the Legislature is again considering measures to reduce or eliminate the need to publish legal notices in newspapers. These measures wouldn't save the government much money, if any. But they would cost the public a great deal.

Let's be serious. Nobody's going to go check a government website for legal notices, except maybe a contractor looking to bid a job. General citizens? Nope.

Want proof? Just look at the numbers. The City of Manhattan's website, which is a pretty good local government site, gets about 1,300 visits per day, which equates to about 650 actual human beings per day, on average. The Riley County website gets about 550 visits per day, or about 275 real people. Meanwhile, the Manhattan Mercury has an audited circulation of about 10,000 every day. We know through survey data that each copy is read by approximately 2:3 people, on average, so that's 23,000 people.

To review: 23,000 versus less than 1,000.

Bottom line: Taking notices out of the paper simply means making many more citizens unaware of the things government is getting ready to do to them.

In my view, that's contrary to one of the core constitutional principles underlying our republic. The principle of due process, which assumes that citizens get advance notice of pending government action. Without that, the government can get out of control. Think Bell, California.

That's a high-horse argument, I know. But that's really what this is about. I hope you and your committee will continue to do the right thing.

Thank you.

Sincerely,

House Local Government
Date 3-/7-//

## Dodge City Daily Globe

P.O. Box 820 705 Second Ave. Dodge City, KS 67801 • 620-225-4151 • FAX 225-4154 • e-mail: darrel.adams@dodgeglobe.com

Darrel Adams, Advertising Director

February 16, 2011

Kansas House of Representatives Local Government Committee Mr. Steve Huebert (R), chairman

Dear Mr. Huebert,

I would like to express my concern with the Kansas Legislature and them considering allowing local government to place their public notices on the internet instead of publishing them in the official newspaper. They claim it is to save money, but in our case here in Dodge City I would offer opinion on that statement.

We are a majority / minority community and not everyone in this Western KS community has or can afford a computer to follow public announcements. Yet our paper is only 50 cents per day to follow any community announcement. While our paper has the ability and knowledge to continue to place our public announcements in the paper and online, we still do not have a following on public announcements online. So where the Legislature would be helping a community like ours? How would this benefit over half of our community? Our President is stating nationally that he wants more transparency, what about transparency at the State and Local level? With this bill there would be little involvement at the local level in some areas of Kansas.

This effort is the latest in a long history or trend by local government, lobbyists and Legislature in KS. to post less information in public notices for the taxpayer scrutiny.

Taxpayers shouldn't have to go purchase a computer, go to public library's or to check a government website daily or weekly to discover what elected officials are doing that may effect them.

Thank you for passing this on to the KPA and the Kansas Legislature.

Yours truly,

Darrel Adams
Publisher
Dodge City Daily Globe
Dodge City, KS. 67801
(620) 408-9918
darrel.adams@dodgeglobe.com

House Local Government
Date 3-17-11
Attachment 13



Dedicated to serving and advancing the interests of Kansas newspapers

5423 SW Seventh Street • Topeka, Kansas 66606 • Phone (785) 271-5304 • Fax (785) 271-7341 • www.kspress.com

Feb. 17, 2011

To: Rep. Steve Huebert, chairman, and members of the House Local Government Committee

From: Doug Anstaett, executive director, Kansas Press Association

Re: HB 2189

Mr. Chairman and members of the Committee:

I am Doug Anstaett, executive director of the Kansas Press Association. Thank you for the opportunity to discuss our association's opposition to HB 2189.

Public notice has been one of the bedrocks of our nation's commitment to open government for more than two centuries. The theory is that government should not be able to dive into major new projects, new ordinances, special elections, annual budgets and the like without oversight from the citizenry.

Why has public notice always appeared in newspapers? It's simple: public notices are meant to be "noticed." If you want them to be noticed, you put them where that is the most likely to occur.

Sure, you could put a piece of paper on the bulletin board at the local laundromat, the local grocery store and outside city hall, but the likelihood of it being seen by those affected would be hit or miss at best.

Notices appear in newspapers for a number of reasons:

- (1) Most citizens would agree that government officials can never be allowed to be in control of their own information. Newspapers provide independence from government and, therefore, are reliable as a source of information;
- (2) Newspapers are a permanent record that cannot be altered, hidden, manipulated, hacked or changed after the fact. When notice is published in a newspaper, it is guaranteed by the publisher as fact;
- (3) Newspaper publication provides a verifiable public record through sworn affidavits of publication that have been accepted for decades as adequate notice in a court of law. If you give notice that a subdivision is going to encroach on neighbors, you certainly don't want to have to revisit this decision at some future date because notice was messed up;
- (4) Newspapers ensure that readers will "happen upon" public notices and share that information with each other;
- (5) Study after study over the past few years, including one by KPA, has concluded that readers want their public notices in newspapers because that's where they are most likely to see them.

Any attempt to reduce the frequency of public notice, to require a trip to City Hall to view them, to require citizens to search for them on the internet or to look for them in a "new" place rather than their local newspaper is simply a roadmap to more closed government, more secrecy, more shenanigans and less public awareness of what is going on in our communities.

Well, our adversaries say, this is really just about money. We're not going to apologize for providing a valued service to our government. Everyone else who provides a service gets paid. The cost of public notice, as you can see from the testimony of several of our publishers, in most cases is such a drop in the bucket as to be laughable that it is even an issue.

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Is public notice revenue important to the newspapers of Kansas? Yes it is. And local newspapers also are very important to their communities. We have calculated after discussing this issue with out association members that we would — conservatively — stand to lose 50 newspapers in Kansas if public notice income went away.

But that's not the half of it. If public notice was severely curtailed or went away, and with it many newspapers in Kansas, it would rob the people of Kansas of the information they need to keep an eye on their cities, counties, school districts and other governmental entities.

These kinds of checks and balances keep government on its toes.

The Kansas Press Association opposes HB 2189 and asks that the committee reject it if it comes to a vote. It doesn't guarantee an informed citizenry; in fact, it has the potential to close down the communication between communities and those who ultimately pay the bills.

Thank you.



BOX 519 CLAY CENTER, KANSAS 67432 785.632.2127 dispatch@claycenter.com

February 11, 2011

Steve Huebert, Chair Local Government Committee

Today spending on public notice publication is only a fraction of what it was 35 years ago because the Legislature is constantly allowing local government to remove more and more information from public notices.

Over my 40 years in the newspaper business, local government lobbyists have convinced the Legislature to allow them to publish less and less information to the point that public notice information is only a fraction of what it was. The argument has always been to "save money."

The truth was, without benefit of the internet, the information was effectively denied to anyone but the unemployed who had the time to stop in during business hours and make a nuisance of themselves.

Now local government wants to remove all information from newspapers.

Not printing critical government information discriminates against the generation ahead of the baby boomers who, in our community anyway, tend to be less internet savvy but most interested in and impacted by what government does, mainly because they are on fixed incomes in a era of rising property taxes.

Placing public notice information on line is not the equivalent of providing public notice. Traffic on government websites is abysmal, yet surveys over the years consistently show reader interest in public notice information published in newspapers.

There remains no more powerful tool for giving notice than printed material physically placed in the hands of people who want to read that material. Making public information available on line is an excellent goal. But that cannot serve as "notice" given to the public.

Most local officials understand the difference between internet posting and publication in a newspaper when it comes to the delinquent taxpayer list. Will posting a delinquent taxpayer list on line motivate as well as printing in a public notice does now?

Of course not.

Yet, while proponents consider most government public notice of their dealings a costly waste of time, they have no such reservations about holding taxpayers publicly accountable to them. This is the opposite of what democracy used to be.

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Clay Center Dispatch Page 2 February 11, 2011

How much might be saved?

Our city clerk reports they spent \$7,000 last year on public notices or .00085 percent of the budget. (eight and a half one-hundreths of one percent)

We delivered a copy of the city's proposed budget last year for a nickle per household. A nickle won't even pay for a stamp that goes anywhere these days, let alone pay for printing AND delivery. We could have delivered to both subscribers and non subscribers for 2.5 cents per household.

Budget savings is not the issue. Nor is the issue newspapers getting rich.

Taxpayers shouldn't have to check a government website daily or weekly or even monthly just to find out what is going on in their community on a timely basis.

Yours truly,

Ned Valentine Publisher Clay Center Dispatch



Publishers of The Lincoln Sentinel-Republican & The Chapman & Enterprise News-Times

To members of the Local Government Committee of the Kansas House of Representatives,

In January I completed my 10th year as a newspaper editor/publisher. I was fortunate to discover this profession and enter it as the editor of a small newspaper in Lincoln, Kansas, in January of 2001. It was immediately clear it was the right fit for me.

The variety of tasks, the connection with the community, and the responsibility to report the news, both entertaining and essential, are all aspects of this career I thoroughly enjoy.

In 10 years I've learned to cover my local communities better than any other media outlet, and, as a result, my newspapers remain a vital source of information for the small communities they cover. But don't ask me, ask my readers.

The readers who line up at the office, convenience stores and grocery stores where my newspapers are sold every Wednesday morning.

The readers who renew subscriptions with notes thanking us for our coverage of community events, school activities, engagements, marriages, births and deaths.

The parents who praise us for coverage of the local schools that seldom is heard on the radio or seen on the television sports cast or found on the internet blogosphere.

The hospital, grocery store, bank and newspaper. These are the most important institutions in rural communities and newspapers remain the best place for local government to communicate with citizens.

House Bill No. 2189 would require notices of elections and other items of interest to the general public to be published once in the official newspaper and then on government websites, reducing the frequency with which such notices are published in the newspaper, and concurrently reducing the number of times they are read by the local citizenry.

Internet usage in rural America remains inconsistent and seldom are government websites a destination for web "browsers" who more often choose the internet for entertainment.

Community newspapers reputations are built on decades of consistent coverage of the vital institutions that shape the identity of a community, insuring the consistent return of readers week after week. Readers who pay taxes, vote in elections, and fuel the government which serves the same populous it depends upon.

By tampering with an ages old system of keeping the important functions of government in the public eye we run the risk of further disengaging a population that now, more than ever, needs to understand the role of its government.

Further, we risk damaging another segment of the economy - newspapers - where jobs need to remain stable. Please, keep public notices in the pages of our newspapers with frequency and consistency, now and into the distant future.

Sincerely,

John Baetz Publisher Lincoln Sentinel-Republican, Chapman & Enterprise News-Times john@lincolnsentinel.com • 785-524-6019

House Local Government
Date 3-17-11
Attachment /6



Dedicated to serving and advancing the interests of Kansas newspapers

5423 SW Seventh Street • Topeka, Kansas 66606 • Phone (785) 271-5304 • Fax (785) 271-7341 • www.kspress.com

Feb.15, 2011

Honorable Rep. Steve Huebert Chairman, Local Government Committee

Dear Rep. Huebert:

I would like to offer my humble written testimony against HB 2189. I can understand the well-intentioned desire of lawmakers to help governments save money by eliminating the requirement of publishing legal notices in newspapers of record.

But the real cost of this move would be the incalculable harm inflicted on the public's right to know what its state, county and local governments are doing. Any savings would be offset by a huge loss in Kansans' faith in our Democratic system and in the officials we elect to uphold that system.

Publishing public, or legal, notices of the actions of government in designated newspapers of record in each county, city and town in Kansas are vital to achieving the greater public good of keeping government entities transparent.

Allowing state and local governments to avoid this public disclosure and, instead, post these public notices on government Web sites effectively allows this critically important information to be hidden from public view.

That's because government Web sites do not have the readership of printed newspapers and their companion Web sites. For example, The Wichita Eagle and its Web site, <a href="www.kansas.com">www.kansas.com</a>, reach more than 75 percent of the adults in the Greater Wichita Metro area every week. As a result, publishing public notices in the Eagle guarantees they will be seen and read by the overwhelming majority of the public our governments serve.

Removing this requirement by passing HB 2189 would be a direct assault on Kansans' right-to-know about the activities and decisions their elected officials are considering.

Thank you for taking my testimony into consideration as you debate this bill.

Sincerely,

William "Skip" Hidlay President and Publisher The Wichita Eagle

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Dedicated to serving and advancing the interests of Kansas newspapers

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Feb. 17, 2011

To: Rep. Steve Huebert, chairman, and members of the House Local Government Committee

From: Rich Gannon, director of governmental affairs, Kansas Press Association

Re: HB 2189

Mr. Chairman and members of the Committee:

Some of you may not know that I spent a majority of my professional career in commercial banking. I served in senior management for a strong regional bank and vividly recall how our chairman would publicly admonish many competitor banks on their dangerous lending practices and high officer compensation. I greatly admired our chairman for his honesty and "calling the kettle black."

I tell you this as an introduction to my testimony in opposition to H.B. 2189.

As further background, all regulated financial institutions in the United States are required to file periodic financial information with their respective regulators and other parties. For banks, one of the key reports required to be filed is the quarterly *Report of Condition and Income*, generally referred to as the **Call Report**.

Call Reports are required by statute and collected by the FDIC under the provision of Section 1817(a)(1) of the Federal Deposit Insurance Act.

The FDIC collects Call Report data submitted by all insured national and state banks on a quarterly basis. This information is extensively used by the bank regulatory agencies in their daily offsite bank monitoring activities. Call Reports are a critical source of information regarding the status of U.S. banking system.

Kansas bank Call Reports were published in Kansas newspapers for many years. If my memory serves me correctly, they were published in a summarized version, resembling a small balance sheet that presented a financial snapshot of the local banks to their communities. I believe these small bank advertisements were published until some time in the 1990s when bankers convinced lawmakers it was a waste of money to publish this information. They argued that the public didn't read the reports nor did they understand them. The banking industry was too strong to fail.

Today the information is publicly available at the FDIC website. (Best of luck if you search for Call Report information!)

Currently our country is experiencing some very difficult times and severe financial challenges. Furthermore, as a retired banker, I am professionally embarrassed and thoroughly disgusted by the dangerous lending policies of certain banks that helped initiate this financial crisis. Certain bankers and their incessant greed for revenue resulted in loose lending practices and alarming loan/deposit ratios that placed this country square on the track for a train wreck.

Most of these greedy financial institutions were "bailed out" of their financially dilemma and

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probably are back to their old tricks again. It was the rest of us that really got hurt. 401k's were devastated, retirees crippled, people lost their homes and businesses forced to close as lines of credit were called. It was difficult for even the most credit worthy customer to obtain bank financing.

Could this near financial meltdown have been averted if the public had been better informed? Would small business owners have planned differently had they known the financial strength or weakness of their bank? Would the continued publication of those bank Call Reports have thwarted the financial crisis?

I don't know, but let me tell you what the Call Report issue has to do with what you're considering:

The financial crisis in America happened after that important banking information was taken from easy public access in our local newspapers and placed on a governmental website. Information that had previously been right there in front of the reading public was virtually hidden on the web.

Thanks for your time.



February 14, 2011

Steve Huebert, Chairman, Local Government Committee

Kansas House of Representatives

I sincerely hope the Kansas Legislature will take extra time to debate the potential consequences when considering passage of HB2189. Supposedly designed to save money, it appears this bill could allow local governments and school districts to "bury" their dealings in some obscure location on the worldwide web.

This attempt to eliminate placing legal notices in the newspapers is not a new concept. Of course I understand the desire on their part to remove these notices from print - however, it will be perceived by the public as an attempt to make them less accessible. By placing notices on the internet they are less likely to be seen and questioned. Honestly, in your opinion, how many taxpayers will search the web for these notices, regardless of the importance? Also, what percentage of adults and seniors has access to a computer and/or the internet?

I'm not suggesting that removal of these legal notices from a print product will create widespread governmental wrongdoing. What I do fear is that the temptation to push something through may become greater because the risk of having to answer to the public would undoubtedly become smaller.

I understand the concept of "saving" and "cutting." The newspaper industry could give lessons on these very practices. But too much of either can create a new set of problems. Making public notices available online is a great plan. The Pratt Tribune places these very notices that run in print on our highly-trafficked website at no additional cost. But to have government entities place these notices on their own websites does not sound like good business.

Legal notices should be made accessible to those concerned in an easy and reliable manner just as they have been delivered for generations. Taxpayers should not be made to search and research to discover what the elected officials are doing with our tax dollars. This is a service government should continue to provide the public. Besides, they have nothing to hide.

Sincerely,

Keith Lippoldt

Publisher

The Pratt Tribune, The Kiowa County Signal, The St. John News

House Local Government
Date 3-/7-//
Attachment /9



February 14, 2011

Kansas House of Representatives Local Government Committee Steve Huebert (R), chairman

Dear Mr. Huebert:

One of the most important ingredients in any democracy is the public's right-to-know what its federal, state, and local governments are doing. Newspapers long have been the watchdogs of government by assigning reporters to cover meetings, to research government documents, to ask tough questions of elected officials, and by publishing public notices, sometimes called legal notices. Public notices, by definition, are intended to be noticed by the public. They are vital in helping to keep government entities transparent.

The Kansas House, heavily controlled by ultra conservatives, soon will be considering HB 2189 that recently was filed the Committee on Local Government. It is dangerous legislation that would permit state and local governments to effectively "hide" public notices online somewhere deep within their official websites. The bill also would reduce the number of consecutive times certain public notices, such as the issuance of bonds, sheriff's sales, elections and delinquent taxes, would be required to be published in local newspapers of record. Instead of being published in the newspaper two or three consecutive weeks, HB 2189 would require a one-time publication in a newspaper and a one-time online publication of any public notice.

Kansans should be concerned and outraged at this bill. It is a direct assault on their right-to-know. Public notices are a way for citizens to find out what activities and decisions their elected officials are considering. They are a way for voters to make informed decisions on critical issues. Public notices provide information that must be fully and easily accessible.

Do we want government entities in control of their own information? How easy is it now to find information on governmental websites, to find forms, ordinances, even contact information? If there is one thing that government entities do well, it is confuse the public and make finding information difficult. It is easy to see that giving governments the ability to put public notices on their websites as the main way to inform the public is not in the best interest of citizens, especially if it is a public notice that a government would rather suppress. Those types of notices could be buried deep into a website and extremely difficult to find.

Government should never be in control of its own information.



Not everyone has access to computers. Not everyone has the ability to search for information online. Putting public notices in newspapers are permanent records that cannot be altered. They can not be hacked into by online thugs. They are recognized as adequate notice in a court of law.

How can anyone guarantee a notice was accurately "published" online in a timely fashion? It is true that newspapers are paid to publish public notices. But it is not a high-percentage profit margin. There are certain requirements newspapers must meet in order to be considered a publication of record. Bids are submitted and government officials typically select the lowest bidder from the qualified publications.

When governments in other countries control their own information, we call it totalitarianism. This bill, in effect, would allow the fox to guard the chicken house; it is an assault on the public's right-to-know and an avenue with too many easy side streets for misuse by government entities.

It should be obvious to everyone. Apparently it is not because there is HB 2189. We urge everyone to contact their elected officials in Topeka and tell them to vote no in order to protect the public's right-to-know.

Sun Publications

Government reporter



### **HUTCHINSON PUBLISHING COMPANY**

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John D. Montgomery President Editor & Publisher 300 W. Second P.O. Box 190 Hutchinson, KS 67504-0190 Voice: 620-694-5757 Fax: 620-694-5758 E-mail: jmont@hutchnews.com

March 15, 2011

The following editorial was published on HutchNews.com on March 15 and in The Hutchinson News on March 17, 2011:

"Protect public notice"

Reno County commissioners should not lobby the Legislature for more relaxed publication requirements for disseminating public notices. While such publication requirements are a cost issue in a time of lean budgets, governments should strive to be more transparent, not less.

Kansas state laws require counties, cities, school boards and other local governments to publish certain disclosures and information in newspapers, the idea being that government keep wide open its business for public inspection. For example, local governments must publish budgets and spending reports, cities publish new ordinances, and counties publish lists of delinquent property taxpayers.

Newspapers don't publish these notices for free, and that often leads local governments to look upon this duty as just another burdensome requirement. Public officials sometimes forget that open government is the right thing to do, and in some cases these public notices are to their benefit.

With delinquent property taxes, for example, often people who show up on the delinquent list are compelled to pay their taxes. And, besides, counties can attach a charge to recoup their publication costs.

Reno County Treasurer Clark Miller argued last week before commissioners that counties shouldn't be required to publish the list three times. That seems a reasonable argument, but each publication adds to the "shame" factor that motivates taxpayers to stay off that list.

Nonetheless, government lobbyists in Topeka have advocated in recent years for allowing public notices to be posted on a website. Just such a bill is up for a committee hearing in the House this week.

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In an electronic age, electronic publication makes sense. But it shouldn't be confined to a city, county or school board website. It isn't enough to have the information available should someone come seeking it. No, it also needs to be pushed out to an unaware public.

Posting public notices on a government website isn't enough. Government should be required to broadcast public information over media websites, which have the highest audience of any local websites and are where people go to consume news and information. And newspapers, which remain the largest traditional mass medium in most non-metropolitan communities, should not be forgotten. Even today, not everyone is online.

Besides the audience, it also is important that an independent third party – the so-called Fourth Estate – remain a check and balance on government. Requiring publication in the media ensures for the public that someone outside government is making sure government abides by requirements to release certain, basic information to the public.

Reno County commissioners Dan Deming and Brad Dillon sounded sympathetic to Miller's concerns over costs last week. And they should be. But they shouldn't forget the reason for public notice — transparency, the importance of which never should be downplayed.

By John D. Montgomery/Hutchinson News Editorial Board



TO:

Rep. Steve Huebert, Chairman Local Government Committee

FROM:

Eileen King, Riley County Treasurer & Rep. of KCTA & KCOA

DATE:

March 17, 2011

RE:

HB 2166

I am here in support of HB 2166 giving municipalities the option to put legal publications on the internet to inform the public of their actions. It does not mandate the use of a website for the publications, it is only an option. Similar legislation has been proposed since 1992. Today more people are using the internet for everything. Everyone has free access to computers at their local library. In 1992, only 3 employees out of 14 in my office had computers at home, now everyone has a home computer. It is an essential tool these days. Most newspapers even use the internet to publish their news. It can be quicker and cheaper than the traditional paper copy.

No one opens a newspaper when delinquent tax lists are published and says "Oh, my gosh, I forgot to pay my taxes." They would have received at least three notices before we publish their names giving them ample time to resolve any errors or misunderstandings. It is meant to be an embarrassment factor for those not paying rather than notification. It is much easier to go to a county's website and see if someone is delinquent on their taxes, than to try to find the newspaper that it was published in.

With items published on a website the viewing is free and up to date. You don't have to remember where you laid the paper that showed your neighbor didn't pay his taxes. In Riley County we have been listing our delinquent real estate and personal property taxes on our website since 2005. We keep all past listings on the website and we update them once a month. So if someone wanted to look up and see if a 2005 delinquent tax had been paid they could do it at any time.

In 1998, the total cost for publishing the delinquent real estate taxes, delinquent personal property taxes, the quarterly reports and mill levy sheets in Riley County totaled \$5,234.95. In 2010 the total cost was \$7,708.05. That is an increase of 47% over 12 years or an average of 3.9% per year. Over this same time period the State has eliminated the City/County Revenue Sharing money, Local Ad Valorem Tax Reduction money, Business Machinery & Equipment Taxes, Telecommunications and Railroad taxes. The latter was to be partially reimbursed, but that was eliminated also. Counties are struggling to make ends meets and this is one small way that the legislature can help us cut expenses without reducing services.

House Local Government
Date 3-)7-11
Attachment 22



# Saline Gounty Glerk

Donald R. Merriman - County Clerk

P.O. Box 5040 300 West Ash

Phone: (785) 309-5820 FAX: (785) 309-5826

Salina, Kansas 67402-5040

E-mail: don.merriman@saline.org

www.saline.org

March 17, 2011

Honorable Representative Steve Huebert Chairman – House of Representatives Local Government Committee and Committee Members

Re: HB 2166 Legal Notice Publications

Chairman Huebert and Committee Members:

As Saline County Election Officer and County Clerk, I am supportive of HB 2166 to amend various statutes concerning election publications, as well as, statutes guiding treasurers' publications.

In the election cycle of 2010 Saline County spent \$4,000.00 for both the Primary and General Elections. For 2008 Presidential Election the total expenditure was \$5,000.00. In 2011 where-we are having a Primary on March 1 and a General Election on April 5, we will spend \$2,100.00 for publications.

I know that the Saline County Treasurer annually spends \$37,000.00 for "Delinquent Real Estate Tax" (for 3 legal publications), \$3,100.00 for "Delinquent Personal Property Tax", and \$1,500.00 for a quarterly report.

As an Election Officer, I strive to be as fiscally responsible as possible in conducting elections. This is especially important in this time of reduced revenues for cities, counties, and school districts.

Thank you for your time and consideration of this legal publication matter.

Sincerely

Donald R. Merriman

Saline County Clerk and Election Officer

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(President of the Kansas County Clerks' and Election Officials' Association)

DRM:11

House Local Government
Date 3-17-11
Attachment 23