

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Jay Emler at 10:30 a.m. on January 26, 2010, in Room 548-S of the Capitol.

All members were present except:
Senator Janis Lee- excused

Committee staff present:

J. G. Scott, Kansas Legislative Research Department
Michael Steiner, Kansas Legislative Research Department
Dylan Dear, Kansas Legislative Research Department
Reagan Cussimano, Kansas Legislative Research Department
Jill Wolters, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Melinda Gaul, Chief of Staff
Shirley Jepson, Committee Assistant

Conferees appearing before the Committee:

Mark Tallman, Kansas Association of School Boards,
Don Moler, Executive Director, League of Kansas Municipalities
Erik Sartorius, City of Overland Park
Stuart Little, Johnson County Government
Robert J. Vancrum, Government Affairs Specialist, Blue Valley USD 229
Tom Throne, Junction City Daily Union
Ken Knepper, Newton Kansan
Doug Anstaett, Executive Director, Kansas Press Association

Others attending:
See attached list.

Information Items

The first week's subcommittee schedule was distributed to the Committee (Attachment 1).

Chairman Emler informed the Committee that information as requested by Senator McGinn from the Legislative Division of Post Audit concerning the Average Administration FTE Staff for School Districts is available if any member of the Committee desired a copy.

Hearing on SB 405 - Municipalities; legal notices; web sites alternative.

Daniel Yoza, Office of Revisor of Statutes, explained that **SB 405** amends current statute and would allow cities of the first, second and third class, counties and school boards to publish public notices on their websites (Attachment 2).

Proponents:

Senator John Vratil presented testimony in support of **SB 405**, stating that the legislation would address budget savings by enabling local government entities to publish official notices on the entities official website rather than publishing the notices in the print newspaper (Attachment 3). Senator Vratil stated this legislation would result in savings of staff time and result in budget savings.

Mark Tallman, Assistant Executive Director/Advocacy, Kansas Association of School Boards (KASB), presented testimony in support of **SB 405** (Attachment 4). Mr. Tallman noted that the legislation gives school districts the option of choosing between publishing official notices in the newspaper or on their website. Mr. Tallman noted with changing technology, more people are accessing the computer for information rather than reading the local newspaper.

Responding to questions from the Committee, Mr. Tallman indicated that most school districts spend between

CONTINUATION SHEET

Minutes of the Senate Ways and Means Committee at 10:30 a.m. on January 26, 2010, in Room 548-S of the Capitol.

\$400 - \$1,000 annually on official notices in their local newspaper. Mr. Tallman felt that all school districts have websites.

- The Committee requested information on required publication of official notices for school districts.

Don Moler, Executive Director, League of Kansas Municipalities, presented testimony in support of **SB 405** (Attachment 5). Mr. Moler stated that the legislation would save taxpayer dollars. Mr. Moler indicated that 44 states do not require full-text newspaper publication; however, Kansas is one of the 6 states that do require full-text publication.

In response to a Committee question regarding city population, Mr. Moler indicated that generally cities are classed as followed:

1st class cities - a population of 1,500 to 2,500.

2nd class cities - a population of 2,500 to 10,000.

3rd class cities - population above 10,000.

Mr. Moler indicated that approximately 100 cities within the state have official websites.

Erik Sartorius, City of Overland Park, presented testimony in support of **SB 405** (Attachment 6).

Stuart Little, Little Government Relations, presented testimony in support of **SB 405** (Attachment 7).

Robert J. Vancrum, Government Affairs Specialist, Blue Valley USD 229, presented testimony in support of **SB 405** (Attachment 8).

Written testimony in support of **SB 405** was received from the following:

Mike Taylor, Public Relations Director, City of Kansas City (Attachment 9).

Matt Shatto, Assistant City Administrator, Lenexa (Attachment 10).

Sharon Zoellner, Superintendent, Louisburg Unified School District No. 416 (Attachment 11).

Opponents:

Tom Throne, General Manager, Junction City Daily Union and president of Kansas Press Association (KPA), presented testimony in opposition to **SB 405** (Attachment 12). Mr Throne stated that the publication of public notices in newspapers provides a number of items that are vital to the transparency of government. Mr. Throne felt that posting notices on an official government site, is placing independent third-party oversight in jeopardy, as well as the proof of publication.

Ken Knepper, Publisher, The Newton Kansan, presented testimony in opposition to **SB 405** (Attachment 13). Mr. Knepper felt that publication of official notices on a website limits accessibility for taxpayers without internet access or computer skills.

Doug Anstaett, Executive Director, KPA, presented testimony in opposition to **SB 405** (Attachment 14). Mr. Anstaett indicated that public notice has been one of the bedrocks of our nation's commitment to open government for more than two centuries and affords a permanent record.

Written testimony in opposition to **SB 405** was received from the following (Attachment 15):

Eric Meyer, Hoch Publishing Co, Marion, Hillsboro, Peabody

Gary Mehl, McPherson Sentinel and past president of KPA

Dane Hicks, Anderson County Review, past KPA Board Member

Patrick Lowry, Hays Daily News/KPA 2nd Vice-President

Dena Sattler, Garden City Telegram, KPA Board Member

Rudy Taylor, Taylor Family Newspapers

John Lewis, former KPA Board member and former member of the Kansas Sunshine Coalition for
Open Government

Steve Haynes, Nor' West Newspapers

Stephen Wade, Pittsburg Morning Sun

CONTINUATION SHEET

Minutes of the Senate Ways and Means Committee at 10:30 a.m. on January 26, 2010, in Room 548-S of the Capitol.

Nickole Byers, Ellis Review
Tom Bell, Salina Journal
Linda Denning, Ellsworth County Independent Reporter
Robb Reeves, Halstead Independent
Eric Strobel, Pratt Tribune
Eric Stuewe, Wabaunsee County Signal-Enterprise
Kent Bush, August Gazelle
Jessica Tims-Seeliger, Wellington News
Darrel Adams, Dodge City Daily Globe
Rhonda Humble, Gardner News and Spring Hill New Era)
Eric Strobel, Pratt Tribune

There were no conferees in the "neutral" position to appear before the Committee.

The hearing on SB 405 was closed.

Adjournment

The next meeting is scheduled for January 27, 2010.

The meeting was adjourned at 12:00 p.m.

SENATE WAYS AND MEANS COMMITTEE

GUEST LIST

DATE: January 26, 2010

NAME	REPRESENTING
Donny Anshack	Kansas Press Assn.
Tom A. Jarone	Junction City Daily Union
Richard V. Harmon	KPA
Kenneth Knepper	Newton Kansas
Daniel Paves	Horton, Recorder
Mark Boran yak	Capitol Strategies
Taine Pichenford	Emporia State University
John Wolf	KSL
John Bartels	Pitt State
Betty (Childs) Colbert	CSSC - KU
Marcia Tacha	CSSC - Fort Hays State University
Mark Tallman	KASB
Stuart Little	John Jay County
ERIK SARTORIUS	City of Overland Park
Uelissa Wangemann	KAC
Jennifer Quinby	Classified Support Staff Council
Donna Beebeers	CSSC
Dennis Couston	CSSC
TERRY FORSYTH	KNEA
John Tucker	Pittsburg State U. Classified Senate
Holly Turk	KASB
Linda Fund	KACCT
Richard Somerville	Kenny & Assoc.

Kevin Berore

CLG, LLC

CSSC

First Week's calendar

Monday, February 1:

Department of Corrections: 12:00-1:30 and on Senate Adjournment (both in 548-S)

Tuesday, February 2:

Juvenile Justice Authority: 7-8:30 (159-S)

Department of Corrections: 12:15-1:30 (159-S) and on Senate Adjournment (548-S)

Wednesday, February 3:

Department of Corrections: 7-8:30 (159-S)

Juvenile Justice Authority: 12:15-1:30 (159-S)

Judicial Branch, Judicial Council, and Board of Indigent Defense Services: on Senate Adjournment (129-E, 1st floor conference room)

Health Policy Authority: on Senate Adjournment (548-S)

Thursday, February 4:

Health Policy Authority: 7-8:30 (152-S) and on Senate Adjournment (548-S)

Judicial Branch, Judicial Council, and Board of Indigent Defense Services: 12:15-1:30 (548-S)

Friday, February 5:

Regents: 7-8:30 (152-S) and on Ways and Means Adjournment (548-S)

Senate Ways & Means Cmte
Date 1-26-2010
Attachment 1

Office of Revisor of Statutes
300 S.W. 10th Avenue
Suite 24-E, Statehouse
Topeka, Kansas 66612-1592
Telephone (785) 296 -2416 FAX (785) 296-6668

MEMORANDUM

To: Senate Ways and Means Committee
From: Daniel Yoza, Assistant Revisor *DY*
Date: January 26, 2010
Subject: SB 405

Senate Bill 405 amends K.S.A. 12-1651 and 64-101. The purpose of this bill is to allow cities of the first, second and third class, counties and school boards to publish public notices on their websites.

Section 1 amends K.S.A. 12-651. This section applies to cities of the second and third class. The term "second-class mail" is replaced with "periodical class mail" because "periodical class" is the correct term for this kind of mailing.

Also in section 1, a subsection (c) is inserted. This provision allows cities of the second and third class to designate a city website as the official publication source.

Section 2 recodifies and makes several changes to K.S.A 64-101.

First, in subsection (a) language requiring an "official city newspaper," is stricken because this requirement will be moved to new subsection (c), with the additional alternative of using a website instead of the "official city newspaper."

Second, new subsection (b) is the contents of old section (d), which lists several requirements that are already law.

Third, new subsection (d) is the old subsection (b), with the additional alternative of using a website instead of the "official county newspaper."

Fourth, new subsection (e) is the old subsection (c), with the additional alternative of using a website instead of the "official board of education newspaper."

Fifth, new subsection (f) requires that if a city of the first class, county, or school district, chooses to use a website for official notifications, the website be free, public and not password protected.

This bill, if passed, would take effect on July 1, 2010.

State of Kansas

JOHN VRATIL
SENATOR, ELEVENTH DISTRICT
JOHNSON COUNTY
LEGISLATIVE HOTLINE
1-800-432-3924



Vice President Kansas Senate

COMMITTEE ASSIGNMENTS
VICE CHAIR: EDUCATION
WAYS AND MEANS
MEMBER: JUDICIARY
ORGANIZATION, CALENDAR
AND RULES
INTERSTATE COOPERATION
KANSAS CRIMINAL
CODE RECODIFICATION
COMMISSION

Testimony Presented to
Senate Ways & Means Committee
By Senator John Vratil
January 26, 2010
Concerning Senate Bill 405

Good morning! Thank you for the opportunity to appear before the Senate Ways & Means Committee in support of Senate Bill (SB) 405. The language in SB 405 would enable local government entities such as cities and school boards to publish official notices on the entities official web site rather than publishing the notices in a print newspaper.

It is not news that we are experiencing tight economic times. It is not news that we are squeezing budgets at every level of government in order to make available money go further. Senate Bill 405 helps cities and counties cut costs and save available dollars by enabling each to make use of an existing channel of communication (the official web site), save staff time by allowing staff to post information on the entities official web site and reduce time issues facing rural cities and school districts that currently depend on weekly or twice-monthly newsletters. Today's environment demands better use of the tools at hand rather than subsidize newspapers.

I ask that you support SB 405

A handwritten signature in black ink that reads "John Vratil".

HOME
9534 LEE BLVD.
LEAWOOD, KS 66206
(913) 341-7559
jvratil@lathropgauge.com

DISTRICT OFFICE
10851 MASTIN BLVD.
SUITE 1000
OVERLAND PARK, KS 66210-2007
(913) 451-5100
FAX (913) 451-0875

Senate Ways & Means Cmte
Date 1-26-2010
Attachment 3

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

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

Testimony before the
Senate Ways and Means Committee
on
SB 405

by
Mark Tallman, Assistant Executive Director/Advocacy
Kansas Association of School Boards

January 26, 2010

Mr. Chairman, Members of the Committee:

KASB appears today in support of **SB 405**, which would give local school boards the option of designating the district's official website as the official publication source for the district. The bill would provide the same option for cities and counties.

In December, the KASB Delegate Assembly voted to adopt a resolution on school finance. Mindful of the current year reductions in funding and the strong likelihood of further cuts without increased state revenues, that resolution included the following statement:

“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 **SB 405** 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 an Internet 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 bill would 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.

Senate Ways & Means Cmte

Date 1-26-2010

Attachment 4

To: Senate Ways and Means Committee
From: Don Moler, Executive Director
Date: January 26, 2010
Re: Support for SB 405

On behalf of the membership of the League of Kansas Municipalities, thank you for considering SB 405. This is a bill that would allow the cities of Kansas the option of publishing legal notices, ordinances, and other legal publications on an official city web site rather than in the official city newspaper. We support this legislation for the following reasons:

- **It saves significant taxpayer dollars.** Current state law requires that all official publications of a city be published in full in the official city newspaper. In this difficult economy, cities have been challenged to cut costs wherever possible. This bill removes a significant unfunded mandate, and would grant needed flexibility to cities. In a survey of Kansas cities done by the League in 2006, we determined that in excess of \$2 million per year could be saved by city taxpayers in Kansas if internet publication was allowed by state statute.
- **44 states currently do not require full-text newspaper publication.** We conducted a 50-state review of ordinance publication requirements. I have attached the complete results of this survey. Kansas is one of only six states that require full-text publication in the official city newspaper.
- **The State of Kansas is not bound by publication in newspapers.** Why should the cities of Kansas be bound by this anachronistic requirement?
- **It is optional.** We understand that there is concern by some newspapers that the lack of public dollars could put them out of business. SB 405 only provides an option for cities, it does not automatically remove official publications of a city from publication in the newspaper. That decision would be left entirely to locally elected officials.

For these reasons, we respectfully request your consideration of SB 405, and ask that the Committee report it favorably for passage. I will be happy to stand for questions at the appropriate time. We look forward to working with the Committee on this important issue.

Ordinance Publication Requirements by State

5-2

State	Full Text Required	Summary Allowed	Others	Statute Number
Alabama	X			§ 11 - 45 - 8
Alaska			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 penalties & 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 4--362.3
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

Ordinance Publication Requirements by State

5-3

Mississippi		X	If summary, can post entire ordinance at city hall and one public place	Miss. Code Ann. § 21-17-19
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
Pennsylvania			Either	Borough --53 P.S. 45101 First 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		X	Summary must include any fines or forfeiture	LGC 52.011 (b)
Utah		X		§ 10-3-711

Ordinance Publication Requirements by State

5-4

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 summary-if 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

OVERLAND PARK

K A N S A S

ABOVE AND BEYOND. BY DESIGN.

8500 Santa Fe Drive
Overland Park, Kansas 66212
913-895-6000 | www.opkansas.org

Testimony before the Senate Ways & Means Committee
Regarding Senate Bill 405
Presented by Erik Sartorius
January 26, 2010

The City of Overland Park appreciates the opportunity to share with the committee its support for Senate Bill 405. Allowing cities to publish required legal notices on their websites would save scarce funds while still ensuring the public is informed of city business.

The City of 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 two 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. Over 140 newspapers ended publication last year, including the *Derby Reporter*. Other newspapers are attempting to adjust their business models, and not surprisingly, many are turning to the internet in hopes of turning things around. In fact, the *Kansas City Kansan* last year moved to solely an online presence.

The number of individuals using the Internet continues to increase. A survey conducted by the City this past fall 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 Senate Bill 405, and asks that the committee report the bill favorably for passage.

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Date 1-26-2010
Attachment 6

STUART J. LITTLE, Ph.D.
Little Government Relations, LLC

Testimony on Senate Bill 405

Senate Ways and Means Committee

January 26, 2010

Senator Emler and Members of the Committee,

My name is Stuart Little and I appear on behalf of Johnson County Government to provide information on Senate Bill 405.

According to current law KSA 64-101, Johnson County Government designates an "official county newspaper." The Johnson County Sun and the Olathe News serves as the official publication newspaper for Johnson County. An even greater scope of information is available for free public access at the official County website: <http://www.jocogov.org>.

The County annually spends at least \$50,000 per year on paying traditional newspapers to publish information. This amount is an estimate based on the information that could be compiled for this hearing.

In addition to the costs of paying for newspaper notifications, the public expects and demands on-line access to public information as well. Johnson County Government has made significant investments to place all legally allowable information on the County website because patrons expect it.

Passage of Senate Bill 405 would allow the County to help reduce duplicative spending and invest the public's resources in lower property taxes or other essential services.

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

Testimony to Senate Ways and Means Committee on SB 405
Robert J. Vancrum, Government Affairs Specialist
Blue Valley USD 229

January 26, 2010

Chairman Emler and Other Honorable Senators:

I am here to testify on behalf of the Blue Valley School District as a proponent of Senate Bill 405. I believe this bill is intended to provide school districts facing serious budget cuts due to rescissions of state funds another way to reduce expenditures outside of the class room.

USD's typically have to run notices for the following:

- Budget Hearing (annually)
- Republication of Budget (as needed).
- Resolutions for LOB, Capital Outlay (varies)
- Bond Referendums

The costs for the budget hearing/republications cost approximately \$100 per newspaper and we typically publish in both the Olathe News and the Johnson County Sun. If we were allowed to publish our notices on our BV website, we could reduce staff time, and we could also save the publication costs.

Thank you very much for your attention. I will be happy to stand for questions.

Senate Ways & Means Cmte
Date 1-26-2010
Attachment 8



Testimony

Unified Government Public Relations
701 N. 7th Street, Room 620
Kansas City, Kansas 66101

Mike Taylor, Public Relations Director
913.573.5565 mtaylor@wycokck.org

Senate Bill 405
Publications of Legal Notices
Delivered January 26, 2010
Senate Ways and Means Committee

The Unified Government supports Senate Bill 405. Allowing the Unified Government to publish legal notices and other required public announcements on the official Unified Government website will have a double benefit for citizens. It will save taxpayers a significant amount of money and it will improve public access to the information.

In 2009, the Unified Government budgeted \$377,720 for publishing legal notices. With traditional local government revenues such as the Local Ad Valorem Tax Reduction Fund, Machinery and Equipment tax and "slider" reimbursement and other dollars being stripped away on a regular basis by the Governor and Legislature, communities need to be more efficient and save money. Antiquated mandates such as the current publications law waste taxpayer money. Reducing the cost of publishing notices by using more effective and cost efficient local government websites will be a major benefit to taxpayers.

In flush times, nearly a quarter of a million dollars might not sound like much. But the Unified Government confronted a \$12-million budget shortfall in its 2010 budget. To make ends meet, employees are furloughed for 15 days, pay is frozen for two years, insurance co-payments have increased as much as 300% and every department faced at least a 10% budget reduction. Saving \$377,000 is significant.

But saving taxpayers money is only one benefit of Senate Bill 405. The other is giving the public better access to public information. A citizen interested in reading legal notices in traditional newspapers must arm themselves with a magnifying glass and play a game of hide-and-seek on each and every page of the paper. These notices are not printed in one easy to find section on any specific day. The notices also appear for a limited number of days. The Unified Government Website (www.wycokck.org) has more visitors a year than all of the newspapers in Wyandotte County combined have subscribers. By the way, one of our local newspapers has quit publishing in print and is only on the internet.

If the Unified Government could post notices on its own website, they would be posted in one easy to find spot, in readable type and would be archived for decades instead of disappearing after a day or two. The Unified Government would also advertise this fact on UGTV, the government cable television channel, as well as promote it in our own weekly email newsletter and twice a year hard copy newsletter mailed to 65,000 Wyandotte County households. The Unified Government is modernizing its procurement operations to an electronic format, but bids and requests for proposals must still be printed. Putting all of it on the internet will attract more competition and make it easier to update potential vendors of changes and/or additional information immediately rather than waiting for the next edition of the paper.

The argument against changing the existing, antiquated system used to be about keeping the public informed. Now the strongest argument is that without this massive taxpayer subsidy, many newspapers would go out of business. They are anyway. And while pumping tax dollars into failing businesses these days, taxpayers in Kansas would be better served if the Legislature to continue doing it. Our citizens would be better informed and save tax dollars if

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Date 1-26-2010
Attachment 9



**TESTIMONY IN SUPPORT OF SB 405
(written only)**

To: Chairman Emler
Members of the Senate Ways and Means Committee

From: Matt Shatto, Assistant City Administrator

Date: January 25, 2010

Thank you for the opportunity to present testimony regarding SB 405. The City of Lenexa understands that this bill was introduced in an effort to allow cities the same flexibility granted to many other cities around the country in order to save taxpayer money and ensure that the public has the opportunity to receive appropriate notice related to municipal business. For this fact, we are in support of this bill.

The City spends in excess of \$30,000 per year on legal publications in newspapers that have limited circulation and that are read by only a small portion of the public. The amount of money that would be saved by having the opportunity to denote a website as the City's official publication is equivalent to one street maintenance worker position.

The opportunity to meet publication requirements by selecting an internet website as our official publication source would not only save residents significant tax dollars, but it would also allow jurisdictions to provide more detailed information to a larger audience. The search capability of the internet would also allow residents the opportunity to find and view such notices more easily. As noted in the City's last Citizen Survey, which was conducted in November of 2009, 91% of all residents have access to the internet and search the internet on a weekly basis. The percentage is significantly higher than the number of people in our city that currently receive the City's official publication newspaper.

Today, the City of Lenexa has very limited resources that can be considered for our official publication. The Kansas City Star is very expensive and according to our citizen survey data, very few of our residents read it. The Johnson County Sun has a limited distribution radius in our city according to our latest survey

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Date 1-26-2010
Attachment 10

data, and the Johnson County Legal Record, which has no distribution to the general public, is the lowest price of all options and meets the current definition of an official publication.

Overall, this proposed bill would save the taxpayers of Lenexa a significant amount of money annually, which is more important in our current economy than ever before. This bill will allow the residents of Lenexa and all of the region better access to published information and that published information would be available for months at a time as apposed to the one-day in print that we find with our current official publication.

Thank you very much for your time and for your willingness to support this bill.



Louisburg Unified School District No. 416

29020 Mission Belleview – P. O. Box 550
Louisburg, KS 66053

Phone: (913) 837-1700 Fax: (913) 837-1701 zoellners@usd416.org

Sharon Zoellner, Superintendent

January 25, 2010

To: Senate Ways and Means Committee
From: Dr. Sharon Zoellner, Superintendent
Re: SB 405 Legal Notices through Internet Web sites

Dear Committee Members:

I believe anything we can do to relieve the financial burden on school districts during these distressed economic times should be seriously considered.

The ability of school districts to use their school websites for the publication of legal notices will help to mitigate the loss of funding we are currently experiencing by not having to pay the costs of publishing in the local paper. Those costs vary greatly throughout the state and impact districts on different levels depending on their overall budget. This legislation would put everyone on a more even playing field. The fact that this appears to have no fiscal cost at the state level is also a good reason to move forward.

I strongly urge you to consider this legislation favorably. Thank you for your time.

Sharon L. Zoellner

Our goal in Louisburg USD 416 is to teach every child - allow each child to progress to the limit of his or her capabilities. We will provide a wide range of programs and methodology to allow for individual differences, while educating the whole child.

Senate Ways & Means Cmte
Date 1-26-2010
Attachment 11

THE DAILY UNION.

222 W. SIXTH ST.
P.O. BOX 129
JUNCTION CITY, KS 66441

Jan. 25, 2010

Sen. Jay Emler
Chairman
Senate Ways and Means Committee
Kansas Capitol
Topeka, KS

Mr. Chairman,

I am Tom A. Throne, general manager of the Junction City Daily Union and the president of the Kansas Press Association. Thank you for allowing us to testify today before the committee.

We believe that publication of public notices in newspapers provides a number of items that are vital to the transparency of government.

One of our key concerns with the proposed legislation will be the loss of a neutral and independent source for public notices. By posting public notices on an official government site, independent third-party oversight is placed in jeopardy. More importantly, any independent proof of publication is taken away.

We don't mean to demean the work of public officials, but there is a concern that placing the responsibility of notifying the public in the hands of government officials has the potential for abuse. It certainly raises the risk to change or manipulate the timing of public notices.

With the arrival of the 1st Infantry Division to Fort Riley, Junction City has seen an explosion in growth that many other communities across the state would envy. But with that growth comes a lot of growing pains.

The addition of numerous subdivisions and the cost of providing infrastructure have greatly increased the burden on the city's taxpayers. The publication of public notices in our paper about the cost of special assessments drew the attention of a many citizens and brought about the creation of a taxpayers group, which protested the dramatic increase in the city's bonded indebtedness.

Verifying and authenticating the publication of public notices play a vital role for newspapers, who also serve as public monitors. With government entities publishing their own notices, it would be more difficult for the community to monitor compliance and accuracy.

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There are many people in our city who distrust city government to the point that placing public notices on a city-operated Web site would be detrimental to the citizens of our community. They saw what was going on with city debt issues because of transparency of the publication of public notices in our newspaper.

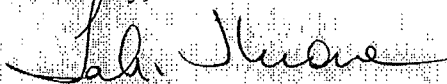
The same could be said for the publication of this year's delinquent tax list, which grew by two pages because of non-payment on several subdivision owners. In addition, the public was able to see individuals who also were delinquent in their taxes, which brings into account the embarrassment factor. It's one thing to see it on a government Web site and an entirely different thing to have it printed where the public has ready access from now until eternity.

Measuring readership online is difficult at best. Newspapers are required to demonstrate readership through records of paid subscribers, maintaining postal permits and conducting third-party outside audits. Newspapers have to maintain certain levels of readership, if they are to stay in business. Internet Web sites, on the other hand, cannot guarantee even minimal levels of readership.

The issue of trust looms large in our minds as representatives of the citizens of our state. It is vital and important for public notices to remain an independent function of government. Newspapers provide a documented and verified third-party source that the public trusts.

Thank you for your time.

Sincerely,



Tom A. Throne
General Manager, The Junction City Daily Union
President, Kansas Press Association

The Newton Kansan

Kansas Senate Ways and Means Committee
Kansas State Capitol
300 SW 10th St.
Topeka, Kansas, 66612

To some, Senate Bill 405 may appear to be a simple measure for cost-savings in Kansas government.

However, we disagree with that assessment.

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

1. It limits accessibility for taxpayers without Internet access or computer skills;
2. It leaves no permanent record of governmental action;
3. Requiring people to gather information from specific websites rather than a newspaper could effectively reduce the 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 sought and deserved that same accountability from their 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 four 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.

People read public notices because they are right in front of them in newspapers where they already follow activities in their communities. Removing those

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Date 1-26-2010

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notices from Kansas newspapers would require people to go online and actively seek out the records, instead.

Taxpayers would no longer know when something new was added, unless they frequented government websites nearly daily.

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 Senate Bill 405 effectively risks closing the same government bodies that promise transparency to constituents – those Kansas citizens ultimately responsible for paying government's bills.

Sincerely,

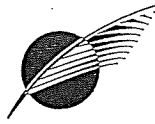
Kenneth Knepper
Publisher

The Newton Kansan

121 West Sixth Street Newton, Kansas 67114

316-283-1500

13-2



Kansas Press Association, Inc.

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

January 26, 2010

To: Sen. Jay Emler, chairman, and members of the Senate Ways & Means Committee

From: Doug Anstaett, executive director, Kansas Press Association

Re: SB 405

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 SB 405.

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 20 years 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 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 our 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 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 SB 405 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.



Kansas Press Association, Inc.

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Jan. 26, 2010

To: Senate Ways & Means Committee

From: Doug Anstaett, executive director

Re: Roster of presenters opposing SB 405

Conferees

Tom Throne, Junction City Daily Union and president of KPA

Ken Knepper, Newton Kansan and chair of the KPA Legislative Committee

Doug Anstaett, KPA executive director

Written testimony from:

Eric Meyer, Hoch Publishing Co. (Marion, Hillsboro, Peabody)

Dane Hicks, Anderson County Review and past KPA board member

Gary Mehl, McPherson Sentinel and past president of KPA

Patrick Lowry, Hays Daily News and KPA's second vice president

Dena Sattler, Garden City Telegram and KPA board member

Rudy Taylor, Taylor Family Newspapers

John Lewis, former KPA board member and former president of the Kansas Sunshine Coalition for Open Government

David Powls, Holton Recorder and past KPA president

Steve Haynes, Nor'West Newspapers, former KPA president and former NNA president

Stephen Wade, Pittsburg Morning Sun

Nickole Byers, Ellis Review

Tom Bell, Salina Journal

Linda Denning, Ellsworth County Independent/Reporter and KPA first vice president

Ervan Stuewe, Wabaunsee County Signal-Enterprise

Kent Bush, Augusta Gazette

Jessica Tims-Seeliger, Wellington News

Darrel Adams, Dodge City Daily Globe

Rhonda Humble, Gardner News and Spring Hill New Era

Paul Rhodes, Times-Sentinel Newspapers

Eric Strobel, Pratt Tribune

Senate Ways & Means Cmte

Date 1-26-2010

Attachment 15



Publisher of

■ Marion County **RECORD**

■ Hillsboro *Star-Journal*

■ PEABODY *Gazette-Bulletin*

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e-mail hoch@marionkansas.com

TESTIMONY TO
WAYS AND MEANS COMMITTEE,
KANSAS SENATE,
REGARDING SB-405

January 26, 2010

I come before you today both as an international researcher and as a Kansas businessperson with extensive experience in both online and traditional publishing.

As a tenured professor of journalism at the University of Illinois, I teach both traditional and online publishing — including a class I will be teaching as you meet today, which is why I must present my testimony in written form rather than in person.

As an independent researcher, I have published two books related to how members of the public obtain information in print and online, and I have made more than two dozen invited presentations on Internet publishing at national and international symposia from London to Tokyo.

As a businessperson, I founded and eventually sold a highly successful online-only resource and served as online publisher of *American Journal Review*, the primary revenue source of which was the publication of notice-type advertising online. I also am president and principal owner of Hoch Publishing Co. of Marion, Kansas, publisher of three community weekly newspapers, two of which serve readers on the eastern edge of Chairman Emler's district.

My expertise, as demonstrated in my article, "Web Metrics: Too Much Data, Too Little Analysis," from *Proceedings of the Evaluating the Internet Programme*, published by the Internet Research Study Group at City University in London, is in analyzing who views what sort of material online versus in print.

From that perspective, I speak on my behalf and as president of Hoch Publishing in opposition to Senate Bill 405, which my analysis has convinced me would:

- **Disenfranchise seniors and the poor.**
- **Reduce government accountability.**
- **Effectively hide important public notices.**
- **Leave public notices vulnerable to cyberterrorism.**
- **Irreparably harm some of Kansas' oldest and most important businesses.**

15-2

Disenfranchising seniors and the poor

Placing public notices only on government-controlled Web sites would disenfranchise huge segments of the taxpaying public at the precise time when we should be increasing rather than decreasing government accountability.

According to December 2009 data from the Pew Research Center, more than one-third of all Americans (36%, to be precise) have never used the Internet — not even once in the cybernetic equivalent of a blue moon. (Exposure to newspapers, in contrast, approaches 93% — the nation's literacy rate.)

Included in the non-wired, cybernetically illiterate group are:

- **62% of those age 65 and older.**
- **61% of those with less than high school education.**
- **40% of those with household incomes of less than \$30,000 a year.**

These are hardly inconsequential groups.

In a typical Kansas county like Marion, 21.6% of the population is 65 or older, 15.6% have less than a high school education, and a whopping 42.6% have household incomes of less than \$30,000, according to the latest data from the U.S. Census Bureau.

Do the math and you find that, at bare minimum, 38.4% of Marion County's taxpayers — and probably quite a few more — would never have access to public notices explaining how their money is spent if those notices appeared only on the Internet.

The percentages would be even higher in other Kansas counties, particularly those more distant from metropolitan areas. Among Kansas' counties, more than half (61) have median household income below Marion County's.

Any move to begin hiding public notices on government-controlled Web sites would be a direct assault on seniors, the less educated and the less affluent. It also would be an assault on African-Americans and Latinos, who also are disproportionately less likely to use the Internet.

Eliminating government responsibility

The Internet may be a fine place for lawyers and other educated and affluent elites to go searching for things, but public notices never were intended to be things citizens had to search for.

When democracy began, public notices were "published" by posting them on prominent public bulletin boards in the middle of town squares. Rather than simply being available for inspection inside some government office, they were placed in areas where average citizens could encounter them while tending to normal routines.

The notion of a town square where everyone gathers on a regular basis went out long ago. Newspapers — particularly newspapers that people willingly choose to subscribe to (those with Periodical Class, rather than Standard Class, mail permits) — are the modern equivalent.

Putting something on a government owned and operated Web site is no different than telling people to make a special trip to the courthouse or to city hall and ask to look at it.

The law has long differentiated between public records, which citizens have a right to seek out, and public notices, which the government is required to make an affirmative effort to tell people about. Switching to Internet-only publication of public notices effectively eliminates that entire class of public information and transforms everything into merely public records.

What would be next? Would citizens without Internet access be required to file Freedom of Information requests to see any aspect of how their tax dollars are to be spent? Would they even know to do so if they were kept ignorant of the timing of important government decisions?

Hiding public notices where people will not look

Even if the Internet were something everyone had access to it would not necessarily be the best way of reaching people. In fact, when given a choice, even the youngest, most wired readers typically prefer print to the Web.

If you do not believe it, simply look at readership statistics for campus newspapers. Nearly all campuses have tremendous Internet access — free broadband in dorms and classrooms, free wireless throughout campus, huge amounts of the latest and greatest hardware and software, and a student body that has grown up using computers for just about everything they do.

Nearly every campus newspaper has both a printed version and an online version. Ask the publisher which is used more on campus. Overwhelmingly, students use the print version more often than the online version. The vast majority of traffic online comes not locally but from readers well off-campus, where getting a printed version in a timely manner would be difficult.

The same is true of community newspapers. When readers are physically able to obtain a printed version in a timely fashion, they overwhelmingly prefer it to an online version. In most cases, the vast majority (80 to 90%) of traffic to any newspaper's Web site comes from beyond the area in which that newspaper is available in printed form on the day of publication.

For a huge number of technical reasons, many of them related to the physiology of reading, print is the preferred medium. Online is a second choice, used only when other means are too inconvenient to be timely. Simply put, online is a medium best suited to checking things you know will be there when you cannot obtain that information conveniently in any other way. Newspapers are the medium of choice for exposing the public to information that it did not know it might wish to seek out. This is the primary thesis of such works as W. Russell Neuman's seminal work, *The Future of the Mass Audience*.

Leaving us vulnerable to corruption and terrorism

Print has another significant advantage: It is permanent and hard to tamper with. Online, a Web page can be changed on a moment's notice. Programming exists — and is frequently used — so that one viewer can see one thing while another, unbeknownst to him or her, sees something else altogether. There is no tracking, no proof that what was posted yesterday is the same as what is posted today.

Giving politicians license to post their budgets on Web sites they control is like handing someone a check written lightly in pencil. It can easily be erased and revised at any time, and no one would ever be the wiser.

It is not just crooked politicians who might seize this opportunity. Imagine the chaos that could be created by anyone from teenage hackers to dedicated cyberterrorists.

Huge numbers of Web sites are defaced and altered every day. Look at the trouble Google has been having in China with hackers who may be supported by anti-American interests within the Chinese government. Having official notices appear online would merely make the target bigger and more attractive.

15-4

Just what would happen when a virus infects a county's budget the way viruses constantly infect desktop computers?

And will today's official notice still be posted 10, 50, 100 years from now for future officials and researchers to review the way printed budgets are forever available in the archives of community newspapers?

Hurting some of our oldest businesses

What is really going on with the push to put public notices on the Internet is that one group of politicians is lobbying another group of politicians to make their lives easier.

It is true that financially strapped governmental bodies have to pay to publish public notices in newspapers. We readily admit that newspapers make money publishing them. However, it is nowhere near the amount public officials dole out in the way of perks to other businesses. In addition, the public gets something in return.

For the sake of argument, however, let us assume this is not true and adopt the attitude of ultra-liberal commentators like my University of Illinois colleague, Robert McChesney, who contends that public notice advertising is nothing more than a subsidy to community newspapers.

Many businesses, from family farmers to pipeline companies, get subsidies.

Do they need them to stay in business? Many do not. But in the case of newspapers, some do.

While losing public notice advertising probably would not kill our flagship newspaper, the *Marion County Record*, public notice advertising is one of the primary reasons why smaller papers we publish — like the *Peabody Gazette-Bulletin*, the oldest business in Peabody, Kansas — continue to exist amid declining population, a declining retail base, a readership that cannot be expected to pay more and a general economic climate that has killed numerous newspapers elsewhere and forced others, including our competitors within Marion County, to dramatically raise their rates (and, for a time at least, to unethically try to charge to publish news items).

Ask any community that has lost its newspaper. Community leaders will be quick to point out that losing a newspaper — like losing a school or a major employer — has a devastating effect on community vitality.

It is not as if newspapers are abusing their "subsidy."

The Marion, Peabody and Hillsboro newspapers we publish are the only newspapers authorized to publish public notices in Marion County. As a monopoly, we could charge as much as we wanted, up to the state-mandated maximum of \$11 per column inch (our lowest classified rate), with the capacity to raise that rate by 15% annually. In fact, we charge only \$9 an inch, have held that rate steady for several years and are actually getting less money per Marion County notice than we received in 2002.

Combine that with rising costs of newsprint and postage — including an impending increase of almost 90%, targeted specifically at the smallest of newspapers — and you quickly see that government is getting a bargain while also helping support a community institution.

Keeping the focus off what government is doing

If public notice advertising is a subsidy, what does it buy?

Among other things, it buys attention. It ensures not just that readers will see public notices but also that journalists will, helping encourage them to exercise their constitutionally envisioned function as public watchdogs. Of course, this may be precisely why some government officials are so concerned with eliminating newspaper-published public notices.

15-5

Consider what happened to the banking industry.

In pre-deregulation times, when bailouts were something only skydivers did, the federal government required each bank to publish in its local newspaper an annual report of its condition, including assets, liabilities, and capital reserves.

Not everyone read the notices, of course, but a few sharp-eyed depositors, upon finding the reports in their newspapers, always took time to go over them and learn just how strong their banks were. Moreover, newspapers typically wrote stories whenever notices were published, keeping depositors' eyes sharply focused on how well banks were doing with such things as bad debts.

One wonders whether the current banking crisis would have reached such extremes if the federal government, in its haste to deregulate the industry, had not stopped requiring banks to regularly publish their balance sheets where average readers could stumble across them and where journalists routinely covered them. Absent public attention, a banking problem grew into a banking crisis that a few public notices might have alleviated before huge bailouts became necessary.

What should we do instead?

Government insiders like to call public notices wastes of money. They want to give the public less information and put what they do provide in junk mail or on obscure Web sites, where only a tiny minority who have access and know what to look for — and when and where to look for it — will ever find them.

Hiding information from we, the people who pay the bills for government is contrary to the principles on which this country was founded.

We need more, not fewer, public notices — things like agendas for upcoming meetings, lists of each line-item expenditure by local governments, and unabridged copies of all legislation. Government used to require that they be published. Ask yourself a key question: Are we better off now, without those public notices, than we were when they were published? Why should we expect to be better off in the future, if backroom politicians get their way and eliminate the last vestiges of government responsibility to keep taxpayers informed?

Demand that public notices continue to be published and, in fact, expanded to be published the way they used to be. Put them where average readers can easily peruse them during their regular reading of hometown newspapers and where journalists will be reminded to check them for items worth noting.

The best way to end waste and shadowy practices by government is to expose them to the sunlight of free and unfettered public access.

Don't end public access. Expand it.

Distinguished members of the committee: Do yourself and your constituents a favor: Kill SB-405 and remind the local officials who have pushed for it as a cost-cutting means that we often end up paying more by being kept in the dark than we would ever have had to pay to publish information where citizens can see it.

Respectfully submitted,



Eric K. Meyer, President
Hoch Publishing Co. Inc., Marion, Kansas

15-6

January 25, 2010

TO: Ways and Means Committee, Kansas Senate
RE: Testimony in opposition to SB 405
FROM: Dane Hicks, Publisher
The Anderson County Review

Mr. Chairman and committee members;

SB 405 presently before Ways and Means would allow local units of government to post public notices on websites instead of in their local newspapers – and it doesn't make sense from either a financial or informational standpoint.

Example: The City of Garnett's (pop. 3,000) authorized budget in 2009 of \$13.4 million included less than \$5,000 in public notice spending. That's .000373 of one percent of the budget. We'd probably save more money in a year by making sure the tires on all city vehicles are properly inflated. It's a paltry sum to most local government budgets, but unfortunately some of the smaller papers in economically disadvantaged areas of Kansas won't survive without it if you allow this bill to pass.

The ethical pitfalls in this bill scream right off the paper it's written on. If websites are an option instead of the local paper, commissions and board members will have the option to use it as muscle against the paper either in retribution or in order to influence news coverage of its doings. People have a right to have that information presented to them in an easily accessible and prominent format in THEIR local paper instead of hidden away on some nebulous website where it's "out-of-sight, out-of-mind." It's THEIR information, afterall.

I hope I can count on you to stand in favor of governmental openness and financial responsibility by opposing SB 405.

Sincerely,

Dane Hicks, Publisher
The Anderson County Review

507 MAIN STREET
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FAX (785) 628-8186



THE HAYS DAILY NEWS
THE VOICE OF THE HIGH PLAINS

PATRICK LOWRY
EDITOR & PUBLISHER
PLOWRY@DAILYNEWS.NET
WWW.HDNEWS.NET

Testimony for Senate Bill 405

Jan. 25, 2010

Distinguished members of the Ways & Means Committee,

I am writing to express my opposition to SB 405, which proposes to allow cities, counties and school districts to be their own official publication sources utilizing their Web sites.

While I can appreciate the argument that governmental bodies could save money by going this route, I must offer that doing so would defeat the purpose of the public notice. Specifically, the public would not notice them.

The information is useful enough to Kansas citizens the state has mandated it be put in front of them. That is why newspapers long have been utilized — they're the most effective means of mass distribution. Newspapers' utility in getting information to the public remains intact, even in the Internet era. Perhaps even more so in the Internet era. After all, not all residents of the state have broadband access in their homes. Some can't afford it; some simply can't get the service. Not all Kansans use the Internet for much beyond e-mail services.

As such, newspapers remain the trusted source for information. To remove public notices to the Internet would disenfranchise a significant number of older and less wealthy citizens.

While on the matter of trust, newspapers also offer third-party verification the governmental bodies require. Proof of publication is in black-and-white on date-stamped hard copy. Web sites can't offer the same. Web sites are alterable. They are dependent on servers remaining up and running — and on all service providers maintaining connectivity.

Technical issues aside, the government simply shouldn't be reporting on itself. Local governance units should continue to be required to communicate vital information to the public via an independent source that is trustworthy, capable and accessible. Newspapers have provided all this for a long time. Kansans will continue to look for this information in newspapers — not at obscure, governmental online portals.

I would ask you to keep the public informed about the public's business. Vote "no" to Senate Bill 405.

Sincerely,

Patrick E. Lowry

15-8

THE
GARDEN
CITY

TELEGRAM

People Informing People

Jan. 26, 2010

Committee members:

Please accept this correspondence as my plea to reject any move to allow governments to abandon the practice of making public notice in newspapers.

Public notice has been a vital part of open government. No government should be allowed to push through new ordinances, projects and other matters important to the people they serve without making public notice of those moves. On that point, I'm sure we agree.

Any disagreement would come from those who believe there's an easier, less expensive way to accomplish the same goal — a truly misguided notion.

For generations, governments have placed public notices in their local newspapers. It continues to be the most effective way to keep the public in the loop.

However, some would argue that it's just as good to allow governments to post public notices on their own Web sites. They couldn't be more wrong, and for a number of reasons:

— It's not in citizens' best interest to allow government officials to be in control of that information. Newspapers provide independence from government, which makes them a reliable source of information.

— Newspapers offer 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. No such guarantee is possible with a government Web site.

— 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.

— Numerous studies over the years have concluded that readers want their public notices in newspapers because that's where they are most likely to see them.

Also, keep in mind that the expense of public meeting notices represents just a miniscule amount of a government's total spending budget. Yet taking those notices away from small newspapers could do irreparable harm to those businesses.

It's believed that Kansas would lose at least 50 newspapers if their public notice income went away. This state cannot afford to lose those businesses and jobs.

We all would agree that governments should spend taxpayer dollars with care. But the cost in hindering access to important public notices by far outweighs any gain to government in budget savings, even in a painful recession.

Please keep the public's right to information on their governments as accessible as possible by not tampering with a sensible policy that requires public notice in newspapers — a good system that best serves the public's right to know.

Sincerely,

Dena Sattler
Editor-publisher
The Garden City Telegram

P.O. Box 958 • Garden City, KS 67846

15-9

The McPherson Sentinel

301 S. Main P.O. Box 926
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Email: macsentinelpub@sbcglobal.net

January 25, 2010

Kansas Senate
Ways and Means Committee

Dear Senators,

As you might suspect, I am writing in regard to proposed Senate Bill No. 405 allowing cities, counties and schools to place their public notices on their own internet sites.

I am adamantly opposed to this bill for several reasons:

1. Internet sites are not public notice. In no way does a city, county or school internet site adequately inform the general public as newspapers do. Public notices have 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.
2. In a recent study monitoring 53 news outlets in Baltimore – newspapers, television, radio and web-only outlets - it found that 61 percent of the original reporting done in Baltimore was done by a newspaper. Television stations and their web sites created 28 percent of the stories; radio stations, 7 percent; and web-only sites, 4 percent. I'd guess the ratio would be somewhat similar in Kansas – we may actually account for more than 61 percent of the original reporting in this area. I say this only to make you aware that the very roots of our business are to keep the public informed. No one is being informed better, whether it be local news or local public notices, than with their local Kansas newspaper.
3. In all sincerity, do you really believe the citizenry will go to some state generated web site to find out what their local government is planning with their tax dollars? If we used the percentages I just quoted, four out of a hundred might. That's not public notice. In fact, the whole process of internet public notice wrecks of the possibility of fraud and misuse of public funds. Governmental officials should not be allowed to be in control of their own information. Newspapers provide independence from government and, therefore, are reliable as a source of information.

15-10

4. Fourth, newspapers are a source of permanent record that cannot be hidden, altered, manipulated, hacked or changed after the fact. When notice is published in the newspaper, it is guaranteed by the publisher as fact.
5. Newspapers ensure that readers will see public notices and share that information with each other. Senior citizens, the poor and the disenfranchised must not be asked to find a way to get onto a computer (which most don't have) and go to some state-run web site for information. Study after study over the past 20-years have concluded that readers want their public notices in newspapers because that's where they are most likely to see them.

Please, use your good judgment and keep Kansans informed where Kansans look for public notices.

Sincerely,

Gary Mehl
Publisher
The McPherson Sentinel

15-11

Taylor Newspapers

of southeast Kansas

P.O. Box 186 Caney, Kansas 67333 620 879-2156 rudy@taylornews.org

Jan. 26, 2010

Testimony of Rudy Taylor, publisher, Taylor Newspapers of southeast Kansas
Re: S.B. 405

There's something about the term "web site" that enralls people because they know it offers them access to a big world out there.

Problem is: The big world doesn't know most sites are there nor how to access them. Seekers of information must pilfer through 110 million web addresses in order to find one that offers them a look at something local.

And in the case of schools, cities and counties, such sites are known more as informational sign-boards rather than interesting places to keep up with what local elected officials are doing with local taxes and resources. If you want to get the telephone number of the local high school, it's a good place to get that information. But if you want to know how to read a budget --- a service we always provide when we publish one in our newspaper --- it won't happen. As far as most local officials are concerned, the less you know -- the fewer the complaints. And if they can save some publication fees in the process, so be it.

I looked today at the official county and city websites where I reside and both were extremely old. The city site lists city council members who served three years ago.

Our three newspapers already utilize a website to help disseminate legal information. Posting information, including budgets and other public notices, on our website is a free service that we provide because newspapers are committed to a 24/7 mission -- informing the people. With all respect to those working in city, county and school offices, that's far from their purpose. They've got more noble tasks at hand, which we totally applaud and respect.

We promote our site within the pages of our newspapers and we utilize Facebook and Twitter as added links. Getting information out, getting it right, keeping it timely, and making sure it is understood is our job. And, receiving compensation for the publication of legals is one way we afford this service to the communities we serve.

We run a very small publication company, one that dates back 140 years. Over the years we have combined several newspapers so we could survive, and today we serve approximately 50 towns, some of them with populations under 100 but several of them with more than 2,000 residents. They look to us for reliable information because they know our reputation. When they have questions about legal publications, we try to provide answers or direct them to appropriate contacts in government.

Last year, 16 percent of our total income came from legal publications that emanated not only from cities, schools and counties but also from townships, sewer and fire districts, courts and private attorneys.

The information we print is provable, archived, accurate and consistent in style.

And, after we print it --- we send it to our website for those who might seek it there.

I seriously doubt that a city, school or county website in America draws thousands of hits per week. That's because they know where to look for reliable information. It's first printed inside their local newspaper.

S.B. 405 is not an answer.

It is an affront to openness.

PRAIRIE STAR

MONTGOMERY
COUNTY **Chronicle**

Labette  Avenue

15-12

Senate Bill 405

Testimony of John Lewis, Past President
Kansas Sunshine Coalition for Open Government

Mr. Chairman and members of the committee:

Expecting people to just “happen onto” a public notice on the Internet is simply unrealistic.

For example, if a hearing is scheduled about locating a proposed landfill across the street from your neighborhood, you won't know about that hearing unless you are disciplined enough to search the Internet every day and just happen to discover: 1) that such a landfill proposal is even being planned, and 2) the time and place of the hearing so that you can go to speak out about it.

Are you going to search the Internet every day to find out what the city council and county commission are planning for your life?

Sticking a notice on a Web site does not give public notice. A Web site is a place you go to chat about your favorite sports team, to check stock prices, or even to shop on eBay. But it's not a place you go to be notified about something that you aren't even expecting to be notified about:

For example, if you had no idea that the new landfill was going to be built near your home, would you have learned about it if you depended on the Internet? No. And you would have missed the public hearing where you could have voiced your objections.

You see, the Internet would require you to search for a public notice about something (like a new landfill) that you don't even know you should be looking for. That's not giving public notice. In fact, that's the opposite of giving public notice. That's making citizens do all the work – in fact it is guesswork – to see if their local government has anything planned for them.

But a public notice in the local newspaper is easily seen by the people in the community. Local newspapers present public notices to citizens amid a broad array of important information about their communities – from news reports on city council meetings to coverage of the high school football game.

Public notices in America have been placed in newspapers for 221 years, and the reason is because local governments have a fundamental responsibility to inform citizens about certain actions that they are taking. Slapping it up on a Web site does not give public notice to citizens.

But placing them in newspapers does. They're right there alongside the news and ads that they are reading anyway.

In recent years, the Kansas Legislature has passed sweeping open-government reforms that have given the citizens of this state unprecedented access to their government. Senate Bill 405, however, flies directly in the face of that public-spirited legislation. The bill you are considering today holds open government in very low regard.

15-13

THE HOLTON RECORDER

Serving the Jackson County community since 1867
109 W. Fourth St. - Holton, Kansas – 785-364-3141

Jan. 25, 2010

Greetings,

The intent of Senate Bill 405 bill, as we are told, is to repeal the state law that requires public entities such as cities, counties and schools to publish government information about budgets and spending in newspapers for Kansans to read.

Our American democracy was founded, and is based on, the public's ability to know and understand how its government is operating. If you take that away, I hate to think of the public uprising and the unraveling of democracy that eventually could occur.

Since the beginning of our democracy in 1776, newspapers have provided the court-approved, independent verification that the general public is being adequately notified of how its government is operating.

It's a system that is not broken. If public notices do not get printed in newspapers, citizens will be forced to rely on the government itself to tell the truth, report the truth and abide by the truth. It just takes one crook to ruin the public's trust in its government.

Plus, citizens will have no legal recourse through the court system to argue whether they were properly served by the government with public notice about proposed government actions such as zoning and taxation that directly affects them as free people who own real estate.

15-14

Generally speaking, secrecy and corruption is what allows communist governments to assume power over people.

While the Internet is a great communications tool, it is not fool proof, hacker proof or thief proof, as we all know. Servers go down. Computers malfunction. Mistakes are made. We don't know if they're intentional or not. Citizens should view this proposed action by the Kansas Senate for what it is - the government's attempt to publish its own notices and to control what the public is told about its government.

Yes, the state's economy is lagging. Yes, the Kansas Legislature is looking for ways to help local governments save money. The fact is that when the economy slows down, local government slows down in proportion. Local government entities already have the ability to publish fewer public notices by merely proposing fewer changes to local zoning and taxation laws.

Whatever your opinion is of newspapers, the fact is that without newspapers as the government watchdog for the public, there is no watchdog for the public to make sure that citizens are not taken advantage of and that our personal freedoms are not eroded by the whim of a few crooked politicians.

Our form of government depends on open government and the court-approved independent verification that the public is being given proper notice of changes advanced by all levels of government. As a society, we can't afford to lose our most effective voice for democracy - newspapers. Yet in some Kansas communities this year, the local newspapers will fold if their most important government watchdog role is eliminated.

State legislators need to know that the current economic downtown has not spared newspapers. We're suffering, too.

Eliminating the public notice law in Kansas will ultimately make local government more expensive because of the immense increase in related lawsuits that will originate when changes to laws are proposed without the public being told about it in the newspapers.

If the state government wants to change the public notice laws, it will have to change the entire court system, too. Are citizens ready to that, too?

David Powls, Editor, Holton Recorder

15-16

Nor'West Newspapers

Serving Oberlin and Decatur County since 1879

January 25, 2010

My name is Steve Haynes, and I am president of Nor'West Newspapers based in Oberlin, which operates newspapers in Norton and Goodland (twice weekly), Oberlin, St. Francis and Bird City (weekly) and Colby (daily).

My wife Cynthia and I, both native Kansans, have been newspaper owners and publishers for 30 years now, continuing the tradition of family ownership of small-town newspapers, but previously I was a reporter and editor for The Kansas City Times.

I am a past president of the Colorado Press Association, the Kansas Press Association and the National Newspaper Association, which represents about 2,400 community newspapers nationwide.

SB 405 proposes to allow cities, counties, school districts and other local governments to post their required notices on a government-run website. In my opinion, the committee should carefully consider several issues in relation to this bill.

This definition of a public notice comes from the Public Notice Resource Center, a national nonprofit group.

"A public notice typically possesses four major characteristics:

1. A public notice is published in a forum independent of the government, such as a local newspaper.
2. A public notice is capable of being archived in a secure and publicly available format.
3. A public notice is capable of being accessed by all segments of society.
4. The public and the source of the notice must be able to verify that the notice was published, and its information disseminated to the public."

Publication on a government-controlled website does not meet these standards. People would have to find the notice, where a newspaper takes it to the reader (and in rural markets, that usually is every household in town). Not everyone has a computer or Internet service, and not everyone is sophisticated enough to find notices buried on some page of a big website.

Independent verification is not possible with a government-run website, and these site can suffer failures, be entered by hackers, be changed with little or no evidence left behind by anyone with an interest in doing so. Electronic archives are not stable or trustworthy.

In short, posting something on a website is little different from filing it down at the courthouse. A citizen still has to go looking for it. Publication means putting at notice out to the public.

Then, there is the economic problem to consider. While public notices may not mean much to larger newspapers such as the Topeka Capital Journal or The Kansas City Star, the income from them can be vital to smaller papers such as the St. Francis Herald and the Bird City Times. These papers serve their communities, but the towns have fewer businesses and resources each year, and it's hard for newspapers to hang on.

Yet, Kansas cities, counties and governments spend only a tiny fraction of their budgets on legal notices. That, in my opinion, is spent in return for a valuable service and helps supports each community where a newspaper is published. Ask people in towns where the newspaper has gone away; most would see that as a real economic loss.

Kansas Press estimates as many as 50 Kansas newspapers might be threatened by loss of their legal notice income. Some might survive; some might not. But all papers in rural Kansas have been tested by the recession and the years of drought which preceded it. Many are in perilous condition as is. So, the committee should ask itself, is the little to be saved here important enough to justify this kind of damage to towns large and small?

I would urge the members not to support this bill.

/s/ Steve Haynes, owner and publisher, *The Oberlin Herald*

15-17



January 25, 2010

Senator Jay Emler
Chairman, Senate Ways and Means Committee
State Capitol – 537-N
Topeka, KS 66612

Dear Senator,

I am joining my several of my colleagues in Kansas to voice my opposition to Senate Bill No. 405 which would allow cities, counties and schools to place their public notices on their own internet sites. I represent 13 newspapers in our state.

Senator, I strongly oppose this bill. Let me first address the elephant in the room. Yes, public notices provide a revenue stream to newspapers. That revenue is often significant and in small communities that revenue often makes the difference between a newspaper staying in business or closing. I had the displeasure of closing one community newspaper less than a year ago when it lost its legal revenue stream to a larger newspaper.

We serve communities like St John, Wellington and Greensburg. We are the voice in those towns. When towns lose their newspaper, they often struggle with their identity.

We don't charge for the publication of public notices without merit. We provide a valuable service to our governments and to the community. Senator, we reach over 50% of the adults in the communities we serve. No governmental-based website can claim that. Many of our senior citizens do not have Internet access are limited to basic email. Many in our impoverished community have no access either. The ability to view public notices should not be limited to the wealthy and privileged.

Credibility is a significant concern if we allow government officials to be their own watch-dog. Newspapers have served this role since Ben Franklin published a paper. Websites are not considered trustworthy.

Newspapers provide verifiable public record – an historical record that cannot be altered. Crawford County had to return to our archives late last year because of a decade-old sewer issue. Without that record and accompanying affidavit there would have been a legal battle costing thousands of dollars.

Stephen Wade, group publisher
stephen.wade@morningsun.net


GateHouse Media®

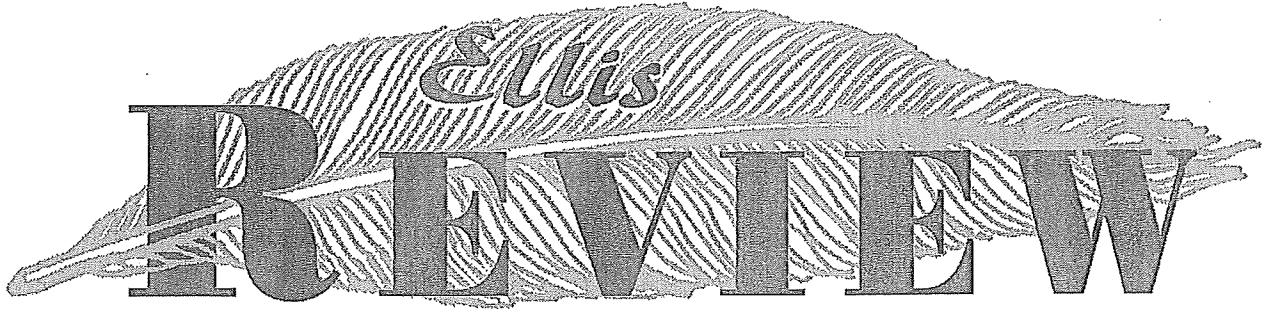
15-18

Senator, I could continue on and on but will refrain in the interest of your time. Please contact me with any questions. I adamantly oppose Senate Bill No. 405.

Sincerely,

A handwritten signature in cursive script that reads "Stephen Wade". The signature is written in black ink and is positioned centrally on the page.

Stephen Wade



Ellis
REVIEW

822 Washington • PO Box 227 • Ellis, Kansas 67637 • 785-726-4583 • review@gbta.net
"Your Hometown Newspaper Since 1880"

Jay Emler, chairman of the Senate Ways & Means Committee, and committee members:

My name is Nickole Byers, Editor of the Ellis Review. I just received a copy of the above-mentioned bill, and I would like to briefly offer you my reasons for concern over the bill:

Many of the newspaper readers in rural Kansas towns are aging. Many of those have learned to use the computer on an as-needed basis, but do so only when necessary. They still rely on their local newspaper to relay community information to them.

By giving city, county and school districts the option to pull public notices from the newspaper and publish at no cost on the internet, many of my readers would be out of the loop. The newspaper they once relied on to bring them true, accurate information regarding legal proceedings in their community will become more of a habit than a reliable resource for community news.

This will also cause rates within my newspaper and other I know to shoot through the roof just to cover printing costs, which are tough to keep up with now. People will not be able to afford their community newspaper, thus quitting subscriptions and over the counter purchases. The trail would continue down the line, affecting classifieds, church notes, anniversaries and engagements, until the newspaper was forced to close up shop.

There is a trend in rural Kansas towns: once the newspaper goes, other businesses start to go. Once the grocery store is affected (they are OUR biggest distributor), there goes the town. Schools consolidate, people move, and we begin to look like a community going nowhere. Where community pride and a thriving market once was, a large hole is left. Alumni coming home for reunions (if there are any held at that point) are disappointed and disheartened to see the community they once knew and loved so empty and inactive.

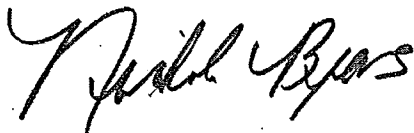
This may seem like an extreme example, but it is happening right before our eyes. The financial situation in our country is making our community, struggling to survive and maintain our identity, take drastic steps within our community budgets to keep figures manageable.

Once our newspaper is lost, our identity is lost. The one place rural Americans have to call their own in spite of conditions around the world, is their community newspaper.

I urge you not to take a big part of the Ellis community's identity. An alternate solution can surely be reached without pulling a large informational piece out of our paper.

Thanks for your time.

Nickole Byers



Editor-Ellis Review

15-20

Salina Journal

We give you more

A Harris Enterprises Newspaper

333 South Fourth Street / P.O. Box 740
Salina, Kansas 67402-0740
(785) 823-6363
800-827-6363 Kansas
Fax (785) 823-3207

January 25, 2010

Sen. Jay Emler, Chairman
Senate Ways and Means Committee

Mr. Chairman,

The strongest argument against reducing newspaper publication of public notices is a simple one that by now is very familiar to all concerned. The gist is that the public is ill served by removing these notices from a general circulation community newspaper.

Granted, the Internet is a good place to post public notices but government sites see virtually no traffic. For example, the Salina Journal's Web site, Salina.com, routinely has 90,000 to 100,000 visitors each month. The city of Salina's Web site has so few visitors it does not show up on national sites that monitor traffic.

The city's Web site is well done and offers good information on our community and city services. But few people see it. Posting public notices on that site or other municipal sites is a disservice to a public that already feels cut off from its government.

It could be argued that instead of reducing public notice expenses, governments should consider purchasing a link that will bring readers from community newspapers' Web sites and increase the public's knowledge of local government. But that argument can wait until we all see better times.

Sincerely,



Tom Bell
Editor & Publisher

15-21

INDEPENDENT ELLSWORTH COUNTY REPORTER

Sen. Jay Scott Emler, chairman
Members of the Senate Ways and Means Committee

Jan. 25, 2010

Mr. Chairman and members of the Senate Ways and Means Committee:

All of us are aware of the difficult budget decisions that are being asked of you this legislative session.

Unfortunately, those difficult decisions will not stop at the state level. Cities, counties and school districts also are being asked to set priorities.

That's why SB 405 is such a bad idea.

Keeping taxpayers informed of government actions — and the reasons for those actions — should always be a priority. That is especially true now, as local officials struggle with decisions not unlike those you will make over the next few weeks.

Yes, there is an economic component to this issue. Without public notices, a number of our Kansas newspapers would not survive to report on the local sports teams, provide space to announce weddings, engagements, obituaries and otherwise do their part in making a town a community.

I am the publisher of the Ellsworth County Independent-Reporter and the Marquette Tribune. This past year, Ellsworth County spent a little more than \$3,000 on public notices. That does not make or break the I-R, but it would have a significant impact on the Tribune, a much smaller publication.

(I also would point out that the Ellsworth County budget for 2010 is more than \$8 million. The amount we received in 2009 from the county for public notices was about \$3,000. That translates into a percentage of .000375.)

Public notices in newspapers are a great bargain for taxpayers — and counties, cities and school boards. Newspapers provide an independent avenue for publication at a small cost, especially when you factor in the economic benefits of keeping the doors open on the state's small, independent publications. My guess is the bulk of Kansas newspapers contribute many more dollars to their communities than they will ever see returned in revenue from public notices.

The question I would ask is: Is it worth risking an informed citizenry — and the economic viability of Kansas newspapers — to save the pennies government bodies now spend to maintain a line of communication between themselves and their communities?

There aren't a lot of issues this legislative session where the answer will be so clear. Reject SB 405. It's bad for newspapers, but even more important — it's bad for voters.

Linda Mowery-Denning

15-22

The Wabaunsee County **SIGNAL-ENTERPRISE**

*Official newspaper for Wabaunsee County, USD 329, and cities of Alma,
Harveyville, McFarland, Paxico, and Maple Hill, Kansas*

Ervan and Pam Stuewe
Established in 1884

P.O. Box 158, Alma, Kansas 66401
(785)765-3327
FAX (785) 765-3384
signal@embarqmail.com

1/25/10

To whom it may concern:

I wish to address SB 405, both as a newspaper publisher and a county commissioner. I have published the *Wabaunsee County Signal-Enterprise* since 1990. I have served as a Wabaunsee County Commissioner since 2002. Both experiences qualify me to have an understanding of the importance of communication and making information readily available to our readers and constituents.

I have witnessed first hand information that has been posted on websites for schools, cities and counties. In many cases the information goes unnoticed. More often many of those constituents either don't have access to the Internet, or the process is so slow and cumbersome that efforts to retrieve that information are not made.

Printing public notices in our newspaper not only provides exposure to that particular issue, but accompanying articles and reports of those meetings provide additional explanations of the action taken.

I annually scrutinize budget requests, and know that those publishing fees amount to a miniscule part of those government entities budgets. I will be the first to admit, however, that collectively the revenue from public notices are extremely important to the survival of local newspapers. When they are gone, who will share the information from school districts, cities, counties and other government entities?

Passing SB 405 will create an uninformed citizenry and contribute to the demise of the communities in rural Kansas. I oppose this legislation and ask for your support.

Ervan D. Stuewe



Editor, *Wabaunsee County Signal-Enterprise* & Wabaunsee County
Commissioner, 1st District.

15-23

THE AUGUSTA DAILY
GAZETTE

KENT BUSH
PUBLISHER

204 E. FIFTH STREET • P.O. BOX 9
AUGUSTA, KANSAS 67010-0009

PHONE 316-775-2218
FAX 316-775-3220

To whom it may concern,

I understand SB 405 is offered in an attempt to save local governments money. However, some thought has to be given to constituents.

Newspapers - unlike websites - are permanent. Items can't be published and then changed or removed in a clandestine manner.

The idea that cities and counties could place their own legal notices online is full of major drawbacks. First and foremost is that there would be no independent check to insure that the information is actually posted. The city could post items, pull them down, have technical issues or modify these notices at their whim. The only "proof" would be trust in local governments. While most can be trusted, the fact that some would "bend" the rules is unavoidable.

Publishing in a newspaper puts a permanent copy in front of anyone who cares to see it.

Newspapers are readily available both for purchase and even free in libraries and other locations. Many in Butler County have no internet access. Some that do have internet access are not competent enough to find legal notices buried in the confusing confines of a city or county web site. Trying to find a way to disseminate information to all versions of internet browsers would be difficult, as well.

I know what a difficult budget year this is. But removing a check from the integrity of government and further separating governments from the people whom they govern is not the right place to try to make up lost revenue.

Very truly yours,

Kent Bush
Publisher

15-24

The Wellington News

113. W. Harvey • wellingdailynews.com • 620-326-3326

Kansas Senate Ways and Means Committee
Kansas State Capitol
300 SW 10th St.
Topeka, Kansas 66612

Senators,

The newspaper industry in this country was built on a promise to its readers to keep a watchful eye over local, county, state and federal governments. Publishers have fulfilled this task through reporting and editorials. But the most recognizable means of maintaining this promise has been through the publishing of public notices.

Newspapers are a permanent, tamper-proof means of getting public notices seen. More reliable than self-serving, self-serviced websites, newspapers are a guaranteed way of getting facts to the general public. By moving these notices online for a government to post its self, the state would be opening the door to many problems, and closing the door on one of the most effective means of checks and balances in our country.

For example, newspapers guarantee their content; publishers go so far as to provide sworn affidavits of publication. We cannot rely on government entities to guarantee their own notices.

By moving these notices to online, we are making them less public. In our aging communities — like Wellington — we cannot expect our elderly population, the demographic that takes the most interest in our governments, to go online or make repeated trips to government buildings to see public notices. By publishing these notices in print and delivering it to their door or mailbox, we are bringing this necessary information right to them.

Yes, Kansas newspapers do have a monetary stake in this argument. The revenue we receive from these notices help with our daily operations. Because of the downturn in the economy, the newspaper industry in Kansas — and across the US — is already fighting cuts to both their product and staffs. By taking this revenue away, you are almost guaranteeing more cuts, which means less information for the loyal readers of Kansas newspapers and, quite potentially more Kansans losing their jobs.

I know your time is precious, so I will leave my argument at these few simple points. I thank you for your time and consideration in voting against Senate Bill 405.

Sincerely,
Jessica Tims-Seeliger
Editor and Publisher
The Wellington News

15-25

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

January 25, 2010

VOTE "**NO**" to Senate Bill No. 405

Sen. Jay Emler, chairman, Senate Ways & Means Committee

I would like to voice my opinion for our paper and our community here in Dodge City, KS. on Senate Bill No. 405

As the publisher of the Dodge City Daily Globe in Dodge City, KS. we feel the Senate Bill No. 405 is by far another disservice to each community in KS. especially ours here that is a majority / minority community.

When each community changes its way of publishing legal's and they now go to the internet to post these legal issues there will be many lives changed as well as we for see complications in the court rooms as individuals will not be informed as to when legal issues are happening within their own communities. In Dodge our school system has to make cell phone calls to reach the majority of their Hispanic students, and this would be another issue for this group of residents we have here in Dodge City as well as other majority / minority communities in KS. This large group on Hispanic residents here in Dodge receives the paper through NIE programs, special sections, third party sells which is just a few ways they are informed of legal and community issues in Dodge City. By posting legal publications in another away would not only be a disservice to them but also every citizen within our readership area.

15-26

Page 2

Many residents in Kansas seek or subscribe to their local newspapers to keep informed of what is happening within their community and not everyone has a computer or knowledge of how or even where to search for these public issues. Why should a citizen of the State of Kansas have to go to a public library or purchase a computer to get legal? How do they expect the elderly to search for legal issues that pertain to them or their family?

It is our belief this is not only a poor way of getting the word out but also a huge change for those who have no knowledge of computers or the ability to retrieve these documents from the computer for legal purposes.

VOTE **"NO"** to Senate Bill No. 405

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

15-27

Tri-County Newspapers, Inc.

936 E Santa Fe, PO Box 303

Gardner, KS 66030

Kansas Press Association

5423 W 7th

Topeka, KS 66606

RE: Opposition to SB 405

Sir:

It's ironic that we've been given such short notice regarding a bill that would change public notice requirements. The requirements for public notice have been a cherished portion of our country's Democratic heritage that deems an informed electorate a necessity.

As I understand it, SB 405 would provide an "option" of putting public notices on the Internet. Government entities that have internet capabilities have that option. Currently Gardner, Edgerton and Spring Hill post public notices on their Internet sites; although I recently received an e-mail from Edgerton advising that city ordinances online are only to be used for research.

As the Edgerton e-mail implies, there are no checks and balances to Internet publication. Sites are easily hackable, mistakes correctable without proper procedure, web addresses, web administrators and service providers routinely change.

A third party verification of public notice is necessary, and that is currently provided by the entities' official newspaper. We have public notices in our office dating back many years, and we are, at times, asked to provide proof of publication to interested parties regarding something that happened a decade ago.

Under current law, anyone who wants to view a public notice can purchase a newspaper – usually under \$1 – or go to the public library, as well as government offices. There is no set "reasonable fee" for copies provided under KORA, and we find the charges to usually be higher than the private sector, as well as requiring a three day waiting period and personal identification. In some instances, taxpayers are asked to pay not only a copy fee, but "computer time" and "staff-time" fee. Also, not every taxpayer has a home computer or can afford Internet access.

15-28

Currently we place public notices on our web site at no additional charge for the convenience of our readers with online access. We will continue to do so, as we believe public notice is more than a monetary item, it is a fundamental necessity for a Democratic society.

Former surveys have indicated the cost of public notice publication in newspapers is a miniscule portion of government budgets and would cost much less than speciality software, staffing a web position and contracting for third party verification.

Changing public notice requirements at this time would place an undue burden on the taxpayers.

I oppose SB 405.

Sincerely,

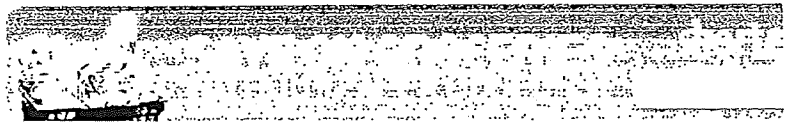
Rhonda K. Humble

The Gardner News
The Spring Hill New Era
913 856 7615
FAX 913 856 6707

www.gardnernews.com

Enc: Edgerton E-mail

15-29



trirhonda

Check Mail

Compose

Search

Reply

Forward

Action

Delete

Spam

New Mail

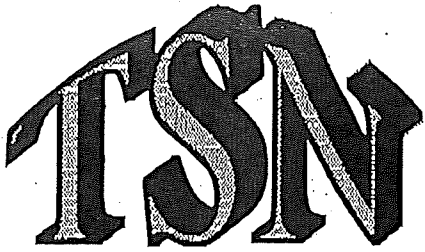
[Edgerton Insights] City Code Online

Drafts (2)

The City of Edgerton is currently moving the City Code to an electronic version that is available on the City's website for the general public's use. The document will be available for users to read or search. The City will also integrate changes into the online version so that users can have access to the most up-to-date information.

The official copy of the City Code will be located at City Hall during regular business hours. Users may view the online version, but should know that the unofficial version may not be the fully updated version of any ordinances and codes of the City. Users should only use the online version for informational purposes only.

15-30
1/25/2010



Times-Sentinel Newspapers

The Times-Sentinel and WestSide Story

Paul Rhodes, Publisher prhodes@tsnews.com

Serving the communities of Cheney, Clearwater, Garden Plain, Goddard and West Wichita

Jan. 25, 2010

Dear Committee Members:

I am writing in opposition to Senate Bill 405, which is now being considered in committee.

We are the official newspaper for four suburban communities around Wichita, as well as four school districts and several townships. I can assure you that there is a real need to keep the publication of public notices in print form with local newspapers to ensure they are truly available to the "public."

Our readers have come to rely on our newspaper for the publication of those notices, and I personally fear that allowing the posting of these notices on the internet would drastically diminish the visibility of these notices. Not everyone has internet access, and even if they do, the chances of seeing those notices buried on the internet would be slim in comparison with the exposure they receive in the local newspaper.

The slight bit of savings local units of government would gain from this kind of publication change would not begin to make up for the damage to the public's access to these notices. And if you do want to make this a dollars and cents issue, please consider the impact to local newspapers, which also are struggling in these tough economic times. Many of you rely on these very publications to reach your constituents, and know the important roles these publications play in your communities back home.

Thank you for your thoughtful and thorough consideration on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Rhodes', written over a horizontal line.

Paul Rhodes
Owner and Publisher

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The Pratt Tribune

Monday, January 25, 2010

Kansas Senate Ways and Means Committee
Re: Senate Bill 405

There is no doubt that the State of Kansas is under enormous financial pressure. These are also difficult times for the newspaper industry.

My office publishes a daily, The Pratt Tribune, and two weeklies, The St John News and The Kiowa County Signal. Revenue generated from publishing legal notices from governmental entities is doubly important as we navigate through these tough economic waters. The loss of revenue generated from legal publications would have a large impact on our daily, The Pratt Tribune. More importantly, it could close the doors of our weekly newspapers, The Kiowa County Signal and The St. John News.

There is another factor to consider. While the move to present legal notices via the internet would save the State of Kansas money, there is value in presenting this important information in a centralized forum communities can access; local newspapers. Newspapers are (and have been) the commonly accepted source people turn to for this information. Scattering legal publications across a myriad of websites operated by the State will make this information much more difficult for people to locate. People will cease to access and use this information if it is not easy to find. There will no longer be a guarantee to the public that people will see this important information. It also begs the question as to whether the State of Kansas will purchase advertising to create public awareness as to how this information may be accessed. You may find in the end, that publishing legal notices in local newspapers may be more of an economic bargain than originally anticipated.

I urge you to vote "no" on Senate Bill 405.

Eric Strobel, Publisher
The Pratt Tribune
The Kiowa County Signal
The St. John News

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