



CITY OF TOPEKA

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Senate Local Government Committee
Written Testimony
Sub for HB 2166
City of Topeka
Dan Stanley, Interim City Manager
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The City of Topeka opposes Substitute for House Bill 2166. While the City of Topeka appreciates the effort to seek compromise, we firmly believe there is no virtue in merely compromising if the result violates the principal of local control and doesn't advance a public purpose. This compromise legislation falls short on both counts.

We oppose this legislation because it is unnecessary and simply meddles in the affairs of local government. In 1984 the City of Topeka passed a charter ordinance exempting the City from being subject to K.S.A. 12-3007. In 2004 we repealed that ordinance and are currently subject to the provision. In both instances, our community was able to determine what was best for its citizens. There were no lawsuits, government didn't cease to operate, and Topeka residents continued living their lives as they saw fit.

The second reason we oppose this legislation is because it does not advance any meaningful public purpose. As near as I can determine, the larger purpose of this bill is to continue subsidizing a product the marketplace doesn't utilize.

Public notice requirements were once a meaningful attempt to seek transparency. Unfortunately, continuing these requirements has quickly become antithetic to that exact purpose. Citizens no longer use the local paper as their source of legal notices. The City of Topeka's website received over 700,000 unique viewers last year. Our local paper of record has 395 paid subscribers. It is not even arguable, that our website has become the commonly accepted location for local government information.

Kansas is not unique in continuing its effort to subsidize print media. The Congressional Research Service wrote the following:

*"According to one study, the federal, state, and local governments provided more than \$1 billion to the news media in 2009 via tax policy, postal subsidies, and legal requirements to disseminate public notices in print...."*¹

The Kansas Legislature should not be forcing local governments to subsidize the lightly utilized print media in a day when our state and local governments are struggling to pay for our basic needs.

In fact, the State of Kansas should look at what local governments are doing to find best practices to better interact with their citizens. Currently the State of Kansas exempts itself from these same publications notices and uses the Kansas Register to publish its notices.

As I understand the LKM/KPA compromise, there was an agreement to not seek Internet publication legislation for five years. This side agreement fails to recognize the trajectory of both the Internet adoption and the decline of print media.

Today, according to the most recent State of Kansas study, only 12% of Kansas residents claim *to not* use the internet. ² At the same time, newspaper subscriber rates continue to significantly decline. In 2007, the Nieman Foundation for Journalism at Harvard wrote the following:

*"Judging from our three studies, the future of America's local newspapers is dim. Perhaps they can effectively manage the transition to the Web and somehow find a way to attract the attention of young people. However, there is nothing in our studies to suggest such efforts will be highly successful. The decline of the hard-copy newspaper appears irreversible."*³

We remain concerned the public notice statutes in Kansas law are antiquated and do not serve our citizens well. By continuing to require publication in a print format, State law is actually working in the opposite direction of the laws' intended purpose.

The City of Topeka appreciates the effort of both the LKM and the KPA to work together to compromise and will continue to work with all parties to find a workable solution.

¹ Suzanne M. Kirchoff, "The U.S. Newspaper Industry in Transition" *Congressional Research Service*, September 9, 2010.

² Connect Kansas Residential Technology Assessment Results, In Compliance with State and NTIA Requirements, Connect Kansas, 2010.
http://www.connectkansas.org/documents/KS_res_FINAL.pdf

³ The Decline of Newspapers: The Local Story, *Thomas E. Patterson*, Winter 2007
<http://www.nieman.harvard.edu/reportsitem.aspx?id=100118>