

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Barbara P. Allen at 1:30 p.m. on February 4, 2003 in Room 245-N of the Capitol.

All members were present except:

Committee staff present: Ken Wilke, Revisor of Statutes
Mike Heim, Legislative Research
Dennis Hodgins, Legislative Research
Nancy Kirkwood, Committee Secretary

Conferees appearing before the committee: Don Moler, League of Municipalities
David Corliss, City of Lawrence
Jim Edwards, Kansas Association of School Boards
Mike Taylor, City of Wichita
Randall Allen, Executive Dir., Association of Counties
David Cooper, Senior Ass. City Atty.; City of Lenexa
Don Seifert, City of Olathe
Michael Pepoon, Sedgwick County
Danielle Noe, Johnson County
John Lewis, Publisher of the Legal Record, Olathe; Kansas
Sunshine Coalition for Open Government
Dan Simon, Publisher, Olathe Daily News
Dane Hicks, Editor and Publisher, Anderson County Review
David Powls, Editor and Publisher, Holton Record
Patrick Lowry, Publisher, Atchison Daily Globe
Andy Taylor, Editor, Montgomery County Chronicle
Mike Merriam, Legal Counsel, Kansas Press Association
Doug Anstaett, Editor and Publisher, The Newton Kansan
Past President, Kansas Press Association

Others attending: see attached list

Introduction of bills

Whitney Damron appeared before the committee on behalf of the City of Topeka, to request introduction of three bills. (1) Service of process on property owners with nuisance to be sent first class mail, rather than certified mail. (2) Allow the purchasers of abandoned building or structure to reimbursed for insurance (3) It would require a county to initiate tax foreclosure proceedings against all property that has taxes remaining unpaid for more than one year (Attachment 1). Senator Schmidt made a motion to introduce the three bills, seconded by Senator Buhler, and the motion carried.

Senator Schmidt elected official resigning office, state law requires central committee sending the name for appointment. This bill would clarify that at the time you are elected, is the party affiliation that will determine. Senator Schmidt made a motion for the introduction, seconded by Senator Clark. The motion carried.

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Chairperson Allen informed the committee due to the number of conferees on the bill to be heard today, **SB 96, SB 97, SB 53**, would be moved to tomorrow for hearing.

Hearing on SB 77 - Cities; Use of internet as official publication of required notices

Mike Heim gave the committee a brief overview on the statutes that would be affected passing **SB 77**, two sections of law the first The first amends the statute that applies to cities of the second and third class, the second one applies to cities of first class, counties and school boards. The amendments apply only to cities and counties; school districts not covered. Mike stated it allows governing body, city or county to designate by resolution in newspaper, official publications or an internet WEB site as an alternative.

Ken Wilke, Revisor of Statues, informed the committee there is another bill, **HB 2085**, is substantially the same as **SB 77**. The term publication source appears in the Senate version and it is publication site in the House version.

Chairperson Allen recognized Don Moler, appearing before the committee testified in support of **SB 77**. He stated the League and the cities have looked at ways to save the taxpayers dollars and passage of **SB 77** would suggest a savings of up to \$3,000,000 per year (Attachment 2).

David Corliss, appeared in support of **SB 77**. He stated one of the difficulties with newspapers, it is posted for only one day, while internet posting is twenty four hours a day, seven days a week (Attachment 3).

Jim Edwards, testified as a proponent of **SB 77**. Jim stated it is a bill that would allow the legal notices much broader distribution than they already receive, at no additional cost to the reader or the local unit of government (Attachment 4).

Mike Taylor, appeared before the committee on behalf of City of Wichita. Mike testified in support of **SB 77**, saving taxpayers money and improve public access to public information (Attachment 5).

Randall Allen presented testimony in support of **SB 77**. His testimony stated that county governments across Kansas could save at least \$1.2 million annually (Attachment 6).

David Cooper, Lenexa, spoke in support of **SB 77**. (Attachment 7)

Testimony presented in support of **SB 77** was given by Don Seifert, City of Olathe. Don stated in the City of Olathe 75% of the adults access the internet. Citizens today demand more information in electronic format and their city has responded to that need (Attachment 8).

Michael Pepoon, Wichita, appeared on behalf of the Board of County Commissioners of Sedgwick County in support of **SB 77**. Michael stated the county, 2001 to 2002, had a 44% increase of people using their internet site. The bill would allow Sedgwick County to save over \$54,000.00, and reach a larger segment of the County (Attachment 9).

Written testimony in support of **SB77** was passed out to committee from Danielle Noe, Intergovernmental

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Relations Coordinator, Johnson County, Kansas (Attachment 10).

Chairperson Allen brought the committee's attention to the fiscal note on **SB 77**. It states the bill would have no effect on any state fund. Local governments could save in excess \$1.5 million if this bill is passed.

John Lewis was recognized by Chairperson Allen to testify before the committee. He presented testimony in opposition of **SB 77**. The bill changes KSA 61-101 so that it would apply only to city governments, county governments and school boards. It has taken out all of the publishing requirements for non-government public notices (Attachment 11).

Testimony in opposition of **SB 77** was presented by Dan Simon, Publisher, Olathe Daily News. He presented the facts that 92% of Kansans read newspapers, six of ten reading a daily newspaper either every day or several times a week. More than 75% of Kansans read legal notices in the newspaper (Attachment 12).

Dane Hicks appeared before the committee in opposition of **SB 77**. He reported it would remove critical information about government from daily and weekly circulation in newspapers and hide that information away as microns in the vast digital universe of the Internet (Attachment 13).

David Powls, publisher of the Holton Recorder and Sabetha Herald newspaper, testified in opposition of **SB 77**. David stated public notices printed in newspapers are permanent, cannot be altered and are related to government entities' geographic area. The same cannot be said of electronic media (Attachment 14).

Patrick Lowry, Publisher, Atchison Daily Globe, testified before the committee in opposition of **SB 77** (Attachment 15).

Written testimony in opposition was handed out to committee. Those submitting written testimony were Andy Taylor, Editor, Montgomery County Chronicle (Attachment 16); Michael Merriam, Legal Counsel for the Kansas Press Association (Attachment 17); and Doug Anstaett, Editor and Publisher, The Newton Kansan (Attachment 18).

There being no others to testify on **SB 77**, Chairperson Allen closed the hearing.

Adjournment

Chairperson Allen informed the committee it would be meeting tomorrow, Wednesday, February 5.

The meeting adjourned at 2:30 p.m.