



Kansas Press Association, Inc.

Dedicated to serving and advancing the interests of Kansas newspapers

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March 16, 2015

To: Rep. Mark Hutton, chairman, House Committee on Commerce, Labor and Economic Development

From: Doug Anstaett, executive director, Kansas Press Association

Re: HB 2237

Mr. Chairman and members of the Committee:

I am Doug Anstaett, executive director of the Kansas Press Association. Thank you for the opportunity to discuss our association's opposition to HB 2237.

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 a large number of people would be impossible to judge.

Notices appear in newspapers for a number of reasons:

- (1) Most citizens would agree that government can never be allowed to be in control of its 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 those affected weren't properly notified;
- (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.
- (6) As we've seen even as recently as this week, the Internet is unreliable. Information can be altered without anyone knowing.
- (7) Giving governmental agencies the "option" to print in a newspaper or on the Internet would cause chaos, and there would be no consistent way for residents to know where to look from community to community.
- (8) Not everyone has access to a computer, and those in rural areas depend on their local newspapers for this information.

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.

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 from 25 to 40 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.

We acknowledge the Internet has become a way for a number of people to get their information. That's why we have a website called kansaspublishing.com that aggregates the notices printed in our newspapers at a central location that is free to the public and provided at no extra cost to cities, counties, schools and others. So far, it has been a voluntary program, but we would certainly be willing to discuss making this mandatory in state law.

However, we believe the printed notice should always be the "official" one and that the Internet notice should be supplemental in nature.

The Kansas Press Association opposes HB 2237 as written and asks that the committee reject it if it comes to a vote in anything resembling its current format.

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.