

Salina Journal

333 S. Fourth Street

Salina

KS, 67401

(785) 823-6363

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To: Rep. Mark Hutton regarding HB 2237

From: Olaf Frandsen, Salina Journal

Two of your legislative colleagues, J.R. Claeys and Tom Arpke, appear to be pushing legislation that would, effectively, allow local governments the opportunity to hide public information from the very public they serve.

Mr. Claeys has introduced H.R. 2237 to the Local Government Committee, while Mr. Arpke has proposed legislation with the same intent filed with the Office of the Revisor.

The Claeys bill, and presumably the Arpke companion, would dramatically change the way government entities in Kansas publish legal notices, which currently are required to be printed in the county newspaper of record. (The same holds true for all 49 other states.) In Saline County, that would be the Journal.

The idea behind publishing legal notices is to protect the public's right to know what its government is doing, how it is spending taxpayer money, what public works projects are on a local government's agenda, who delinquent taxpayers might be, and a host of other assorted information and data that the average citizen normally wouldn't see without taking a specific trip down to the Salina/Saline County Government Building and digging through the morass of available public records.

The proposal introduced by Mr. Claeys would allow our local governments to publish legal notices in either a printed newspaper or a website at their local option. He calls it a method for government entities to save significant dollars.

But the proposed legislation is flawed on a multitude of levels, and would result in local governments having the option of hiding anything they want to hide — to keep the voting public from having access to information should they want it. And I believe they want it.

First, the proposed legislation does not designate a single website — or any website in particular, for that matter — that a government entity could use. They could use their own, they could use a third party, they could use anything they want to. And they would not be required to tell you where they posted their legal information.

That also means that all government entities in Saline County — the county, city, school

district, water districts, airport authority — could use different websites for their own purposes, leaving the public hunting down all over the internet where information might reside. That's how it could easily be hidden.

Secondly, not everyone uses the internet for non-entertainment purposes. That's why the Journal continues to enjoy robust and frequent readership, each and every day. Legal notices are in a single, easily defined, and easily accessed location.

Thirdly, Mr. Claeys recently told a representative of the Kansas Press Association that his legislation would mean Saline County alone could cut its tax rate by a whopping 2 mills if his bill makes it through the governor's signature and into law. That is wildly incorrect.

A mill raises about \$500,000 a year for Saline County. The county does not spend \$1 million a year on publishing legal notices.

The truth is that Saline County spends, on average over the last 14 years, \$63,472 a year on legal notices. That's more like 0.1269 mills. In comparison, the city of Salina spends about \$27,000 a year on legal notices for its citizens. That amounts to 0.069 mills. That is less than 10 percent of what Mr. Claeys is claiming as a justification for his proposed legislation.

Finally, some points to consider:

- A newspaper is a permanent record that can't be altered, manipulated, hacked or changed after the fact, the way a website can.
- Study after study over 20 years has concluded that people want their public notices in the newspaper, because that's where they're most likely to see them.

I am hopeful, and trusting, that you will see that this legislation does much more harm than good, and am trusting I can count on your efforts to squelch the idea.

Thank you for your time, and serious consideration.

M. Olaf Frandsen
Editor & Publisher
Salina Journal
President, Salina Journal Inc.