

State of Kansas
House of Representatives



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EDUCATION BUDGET
JOINT COMMITTEE ON RULES
AND REGULATIONS

TOPEKA

TESTIMONY on HB 2237

Before the House Commerce, Labor and Economic Development Committee

March 16, 2015

Chair Hutton and Members of the Committee:

I am providing neutral testimony to you today on **HB 2237**.

I serve as Chair of the House Local Government Committee. **HB 2237** was requested by Representative J.R. Claeys as a Committee Bill earlier this legislative session in House Local Government Committee. The bill was referred back to our committee. I appointed a Subcommittee on **HB 2237** and named Representative Virgil Peck as Subcommittee Chair. Appointed members were Representative Larry Campbell, Representative John Whitmer, and Representative John Carmichael.

- The Subcommittee heard testimony on the bill on February 10th.
- The Subcommittee met again on February 19th.
 - The parties (newspapers and municipal representatives) reported they conferred as requested by Subcommittee Chairperson Peck. They met twice but were unable to reach a compromise.
 - In the absence of a compromise, the subcommittee attempted to develop a position that could be presented to the full committee as a bill for consideration.

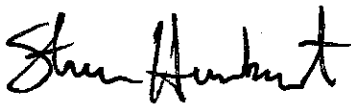
- The Subcommittee ultimately did not vote on a position, but after discussion some members expressed interest in the following ideas/actions:
 - Electronic notice legislation would only apply to municipalities, not school boards.
 - Explore whether the Secretary of State's website could be used as a free central repository for electronic posting of public notices. If not, consider the Kansas Press Association website. Notice should be maintained online for 180 days.
 - Require public notices to be printed in full once in a newspaper; subsequent notices would be on a website. Electronic notices should be on the central repository. (Secretary of State or KS Press Association) and on the municipality's own website (if any).
 - To qualify as a legal newspaper that could publish public notices, the paper would have to link to a website.

- The Revisor was asked to prepare a bill with these elements, to be circulated to Subcommittee members in advance of the next meeting to allow time to prepare amendments. Before that could happen, the bill was removed from the House Local Government Committee and assigned to the House Commerce, Labor, and Economic Development Committee. The Subcommittee did not meet again.

I am including in my testimony today an email that I received from Joel Pile, City Administrator, Valley Center. He explains that nearly all local governments maintain websites and use the internet to provide information to their citizens. He also noted that the current publication requirements come from a time when local newspapers were the only source of information and it was reasonable to require local governments to publish various pieces of legislation.

I thank you for the opportunity to appear before you today and welcome any questions you may have.

Steve Huebert
State Representative, 90th District



Enclosure: Email – Joel Pile, City Administrator, City of Valley Center

Maureen Stinson

From: Joel Pile <JPile@valleycenterks.org>
Sent: Monday, March 09, 2015 9:22 AM
To: Steve Huebert
Cc: Michael McNowm
Subject: legal publications

Representative Huebert-

The City of Valley Center spent \$3,125.73 in FY 13 on required legal publications and \$4,136.16 in FY 14.

At the heart of the matter is transparency, many of the publication requirements come from a time when local newspapers were the only source of information and it was reasonable to require local governments to publish various pieces of legislation. Today, nearly all local governments maintain websites and use the internet to provide information to their citizens. It would seem reasonable to allow local government multiple options to meet the intent behind the publication requirements. In Valley Center there is a high priority placed on being transparent so there are a number of ways the city disseminates information in addition to making required legal publications in the local newspaper. First, all ordinances and resolutions are available on the city's website, also any legal notice which would currently require publication is posted and maintained on the website. The city also uses the utility bill which is distributed on a monthly basis to provide information to citizens. Both of these means of communication have the ability to reach a broad audience and have little or no cost, which is a stark contrast from publishing in the local newspaper.

Could there not be a way to create a "transparency act" which defined the various acceptable means of communication and set specific parameters for each? Then on items currently requiring publication, local government would be able to determine which option was most appropriate, based upon the options in the act. ...just a thought

Please let me know if you have any questions or need additional information.

Joel Pile, City Administrator

City of Valley Center

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