



JOHN M. SETTLE **PAWNEE COUNTY ATTORNEY**
PAWNEE COUNTY COURTHOUSE – LARNED, KANSAS 67550 – 620-285-2139

TESTIMONY OF JOHN M. SETTLE, PAWNEE COUNTY ATTORNEY
House Commerce, Labor and Economic Development Committee
Hearing March 16, 2015

Honorable Mark Hutton, chairman, on HB 2237:

I have served as the Pawnee County Attorney since my appointment by Governor Graves in 1995. I am a Past President of the Kansas County and District Attorneys Association and I served on the KCDA's Board of Directors from 1996 through 2004. I presently serve on the Criminal Law Advisory Committee of the Kansas Judicial Council. I also serve on the Board of Editors of *The Kansas Prosecutor*, a publication of the KCDA. In addition to my legal career, I own a newspaper publishing business which publishes five Kansas publications covering the Kansas communities of Larned, Lyons, Hoisington and Ellinwood. Those publications reach over 30,000 readers in the Central Kansas counties of Pawnee, Edwards, Barton, Rice and Stafford.

I appear today on behalf of myself as a Kansas attorney and rural Kansas newspaper owner and publisher, the citizens of Pawnee County and the citizens of the State of Kansas. I am opposed to HB 2237 because the bill will not provide any benefit for the citizens of Kansas. Instead, HB 2237 will ultimately result in limiting the public's awareness of the actions of their local and state government entities.

HB 2237 is a bill that poses a serious threat to many of our local communities. It has been proposed in one form or another several times in the past. *The basis for its proponents' interest in it passing is they are attempting to manage their budgets by changing the public notice requirements that have been in place for many years.* Obviously, I have a vested interest in Kansas continuing to maintain its requirements that many of the different actions or efforts of our local and state governments be accompanied by a public notice published in a newspaper of general circulation in the community involved because I own a small newspaper publishing business.

However, I also have an interest in efficient and effective local and state government and *unfortunately far too often our various Kansas government entities and their organizations have taken positions that are penny wise and pound foolish. I believe HB 2237 is an example of being penny wise and pound foolish. The small dollars that may be saved will surely cost*

the citizens of Kansas far more because the actions of their local and state government entities will be less easily scrutinized by the public.

There is also no question that the revenue from such notices is vitally important to the local newspapers that still exist in many of those communities. Your local newspapers provide not only jobs in the community but also property tax payments and hopefully they will be able to continue to contribute to maintaining a viable retail market within our rural communities. Conversely, there are no such benefits from the website of a local or state government entity.

The overreaching purpose of Kansas' publication notice statutes is to insure that our citizens have a reasonable opportunity to be informed concerning the actions of their local and state government leaders. The Internet and its many various websites cannot provide that nor can it provide the independence and permanent record required of such notices, despite the claims of the proponents of the bill.

Please consider the following reasons that this bill should fail:

1. The Access to such Information is not as Readily Available on the Internet - Despite the Misconception Otherwise.

Consider the incredible cost to our citizens of having to maintain Internet at their home or pay for a data connection on their phone to access the Internet. In most cases the cost is in excess of \$50-\$70 per month just for the Internet. Here in Larned and in Lyons for a retired person such as my mom to have Cox Internet she first has to pay for a home phone line of about \$20; then the minimum Internet connection costs my mom another \$59 or so; on top of that she has around than \$20 in taxes. For basic cable TV (no box - just about 40 analog channels), a basic telephone she doesn't use and the slowest Internet available + taxes she pays \$142 each month. That is more than her Medicare Part B supplement insurance premium.

Most of our citizens that are interested in their local community governments are readers and subscribers of their local newspapers. However, many of them may not be able to afford the monthly Internet cable fees or the cell phone data fees that they have to have to be able to effectively access the Internet.

If the notices appear only on the Internet there will be a large percentage of our older rural citizens that are on fixed incomes who they will likely miss the notices.

2. Public notices must be published by a neutral and independent party.

Most citizens would agree that government officials can never be allowed to be in control of their own information. Newspapers provide independence from government and, therefore, are reliable as a source of information.

3. 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. Who knows if a notice really appeared when it should on a website?

4. 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 you can't prove that proper notice was provided to the interested parties. The Internet proponents have not devised a method for certifying that notice has occurred.

5. Newspapers ensure that readers will "happen upon" public notices and share that information with each other.

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. The Internet has proven itself time and again to be an unreliable source of information.

In fact, studies indicate the Internet does not engender trust from citizens looking for information, while newspapers rate high in believability.

7. The Internet is not as efficient a notifying device as your local newspaper despite the claim that publishing on the website of the unit of government will reduce costs.

The cost to the local government entity may be reduced *slightly* but it will not offset the potential economic loss to the community. Also, it doesn't appear to have been cost-analyzed: what are the costs of maintaining a website, updating each posting, and maintaining a secure website that cannot be hacked into and changed?

8. The cost of maintaining the notices online will cancel or outweigh any anticipated savings.

In fact, Utah legislators voted to put notices on the web, only to rescind that decision at the urging of cities and counties that could not accurately upload their notice and maintain their sites in working order.

Please consider opposing HB 2237 and its counterpart in the Senate.

If you have any questions please feel free to give me a call.

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