

Testimony by Riley Scott
On Behalf of John Lewis
Lewis Legal News
House Local Government Committee
Tuesday, February 14, 2017

Madam Chair and Members of the Committee:

Good afternoon.

My name is Riley Scott and I work on behalf of John Lewis and Lewis Legal News in Olathe. This organization owns and operates four legal newspapers across Kansas: The Legal Record in Johnson County, The Sedgwick County Post, The Wyandotte County Business News, and the Kansas Lawyer.

Public notices are meant to be noticed. Public notices are noticed in newspapers – by the many, many people who read newspapers. They would not be noticed on a local government website, however, because almost no one visits a local government website on a regular basis. So if we're going to allow these important notices to go on a local government website, we might as well get rid of public notices altogether, because no one will notice them.

Expecting people to just “happen onto” a public notice on the Internet is simply unrealistic.

Sticking a notice on a website does not give the public notice. A website is a place you go to chat about your favorite sports team, to check stock prices, or to shop. Unless you're on a newspaper's website, and all of Lewis Legal News papers have a website with its public notices listed, it's not a place one goes to be notified about something one isn't even expecting to be notified about.

Just within the past few months in Georgia, it was only because of a required public notice in the Monroe County Reporter newspaper that citizens discovered that the school district intended to acquire private property by condemnation. But the school district abandoned that plan after citizens saw the public notice in the newspaper and protested.

But are people going to search the Internet every day to find out what the city council and county commission are planning for their lives?

No, because the Internet would require you to search for a public notice about something (like a property condemnation) that you don't even know you should be looking for. That's not giving public notice. In fact, that's the opposite of giving public notice. It's called "public notice" for a reason ... so that it will be noticed by members of the public.

Indeed, a public notice in the local newspaper is easily seen by the people in a community. Local newspapers present public notices to citizens amid a broad array of important information about their communities—from news reports on city council meetings to coverage of the local high school sports teams. 92 percent of Kansans read Kansas newspapers and more than 75 percent read the public notices in their local newspaper. It makes sense—they're right alongside the news and ads they are already reading.

Public notices in America have been placed in newspapers for nearly 230 years. The reason is local governments have a fundamental responsibility to inform citizens about certain actions it is taking. Slapping it up on a website does not give public notice to citizens.

Perhaps it's important to look at this situation another way--public notices act like advertisements. Would local merchants choose a

city's website over the local newspaper to advertise their products? Legislators don't rely only on government websites to publish their weekly columns – they submit them for publication in the local newspaper, which often publishes them for free.

And here's the kicker. What do cities, counties and school districts, themselves, do when they want their information to be seen by the public? They don't rely on their websites. They send out printed newsletters. Why? Because they know that almost none of the citizens would see them if placed only on their websites. So why would we ever think that it is OK to put official public notices, which are required by law and are much more important than a newsletter, on local government websites?

Public notices on websites cannot fulfill their missions. The point of public notices is to get information out in an accessible medium where people can trust its authenticity and look back at it later to make sure the law and the process were followed. The Internet is not yet up to the challenge for several reasons:

--People simply do not look at government websites. According to the most recent data available by the Pew Research Center, only 13% of adult Internet users visit a local, state, or federal government website.

--Government websites are not free. Even for already established government websites, personnel need to be available to update and maintain content. Additionally, money must be spent to pay for electricity and bandwidth to run the site as well as costs for IT and security personnel required to monitor against any problems.

--Government websites are often not user friendly and are prone to attack by hackers. It's not a question of if, but rather of when a government website will be compromised. A recent study found

only eight (8) percent of federal IT executives could recover 100% of their data in the event of a compromise.

--Due process requires effective notice be placed in an independent source. An independent authority is necessary to protect the legitimacy of the notice and to keep the public informed. Government notices provide transparency about how a government is spending taxpayer dollars and ensure credibility, which will be greatly diminished if the government is posting information about its activities on its own website.

In so many ways, this bill is a “solution” in search of a problem. The public notice system in the state of Kansas works well. For the points made above in this testimony, we urge you to not act upon this bill.

Thank you for the opportunity to testify.