



Kansas Press Association, Inc.

Dedicated to serving and advancing the interests of Kansas newspapers

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Feb. 14, 2017

To: Rep. Kristey Williams, chairman, and members of the House Local Government Committee

From: Doug Anstaett, executive director, Kansas Press Association

Re: Testimony in opposition to HB 2247

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 2247.

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.

Public 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, including our own, 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 with credit card number compromises, Wikileaks of private information and hundreds of other "failures," the Internet is not becoming more accurate over time. It is more and more unreliable, and more and more cluttered with a glut of information that is often difficult to find. There are hundreds of millions of websites; do you really believe someone is going to do a search for a public notice on the Internet?

- (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.
- (9) In this day of "fake news" masquerading as reality on the Internet and elsewhere, you can count on printed public notices to be accurate today, tomorrow and forever.

One other argument against the option provision is that local governments will use it as a hammer against the local newspaper: So, Mr. Editor, either toe the line with your news coverage and editorial positions or face the possibility of losing your status as our official newspaper for publication of notices.

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 disaster, 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. Let's face it: 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.

However, if public notice went away to "Never Never Land" — also known as the Internet — 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. But you know what, most of you didn't know this because you've never gone to the Internet searching for public notices, even though they've been there for close to 10 years. KPA, on behalf of its newspapers, has spent more than \$150,000 in those 10 years providing this service. If government took this process over, it would cost far more.

So far, it has been a voluntary program, but we have been willing to discuss — and already have — making this mandatory in state law if, and only if, printed public notices continued in newspapers, because we strongly 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 2247 as written and asks that the committee reject it if it comes to a vote.

It doesn't guarantee an informed citizenry; in fact, it has the potential to close the curtain on communication between communities and those who ultimately pay the bills.

Thank you.