

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Steve Huebert at 3:30 p.m. on March 17, 2011, in Room 144-S of the Capitol.

All members were present except:

Representative Steve Huebert – excused
Representative Harold Lane – excused
Representative Amanda Grosserode – excused

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department
Eunice Peters, Office of Revisor of Statutes
Florence Deeter, Committee Assistant

Conferees appearing before the Committee:

Kim Winn, Deputy Director, League of Kansas Municipalities
Joe Grisolano, President, Kansas County Treasurers Association
Erik Sartorius, City of Overland Park, Kansas
Marcy Knight, Assistant City Attorney, City of Lenexa, Kansas
Jim Edwards, Assistant Executive Director, Kansas Association of School Boards
Linda Mowery-Denning, Editor-Publisher, Ellsworth County Independent-Reporter
Dane Hicks, Publisher, The Anderson County Review, Garnet, Kansas
Kenneth Knepper, Advertising Director, Sun Publications, Overland Park, Kansas

Others attending:

See attached list.

Vice-Chairman Seiwert opened the hearing on **HB 2166 - Cities; Use of internet as official publication of required notice**.

Staff Eunice Peters briefed the committee, saying that the bill gives municipalities the authority to publish legal notices, advertisements, resolutions and ordinances on a website rather than in the newspaper. Specific qualifications are in place for second- and third-class cities that choose to use a website for publication. Requirements for newspaper publication are included in the bill. The governing body of each city or municipality must designate by resolution which publication source is to be used.

Kim Winn, Deputy Director, League of Kansas Municipalities (LKM), spoke as a proponent of **HB 2166** saying that LKM has maintained a policy in favor of allowing the use of the internet for publishing notices (Attachment 1). She reported that, since cities spend millions of dollars annually in compliance with statutory requirements, the implementation of the tenets of this bill could result in lower budgets for local governments. Ms. Winn assured the committee that cities must maintain ordinance books with printed information to be available to the public. She requested clarification for sub-section (d) indicating a change in wording from “comply,” which is interpreted to mean publishing in both the newspaper and on the website, to the use of “option,” indicating a choice of either media.

Joe Grisolano, President, Kansas County Treasurers Association, speaking in support of **HB 2166**, said that county governments should be allowed the choice of publication for legal notices (Attachment 2). Mr. Grisolano noted that with state funding cuts and more tax exemptions, counties are hard pressed to continue providing services to the public. He supports the options provided in **HB 2166**.

Erik Sartorius, City of Overland Park, Kansas, spoke as a proponent of **HB 2166**. He indicated that Overland Park has been publishing legal notices on their website for about three years (Attachment 3). He reported the use of the City's website has increased by 62% since its inception. Mr. Sartorius said that, over the past five years, the City of Overland Park has averaged \$78,325 annually to publish legal notices, a figure that would fund hiring another police officer in Overland Park if the bill is passed favorably.

Marcy Knight, Assistant City Attorney, City of Lenexa, Kansas, provided testimony in favor of **HB 2166**. She said that current law requires notices to be published in weekly/daily newspapers, which often have limited circulation (Attachment 4). She noted that in a recent survey of citizens, 80% of Lenexa residents reported they would use the City's website to obtain needed information. Ms. Knight requested the

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committee find the bill favorable for passage.

Jim Edwards, Assistant Executive Director-Operations, Kansas Association of School Boards (KASB), spoke requesting that local school boards be included in the language of **HB 2166**. He reported that KASB holds the position that school districts could provide pertinent information to patrons in the district at a much lower cost if website usage were available (Attachment 5).

Linda Mowery-Denning, Editor-Publisher, Ellsworth County Independent-Reporter, speaking as an opponent to **HB 2166**, said that residents of the county, which is a rural area, remain committed to the Ellsworth County Independent-Reporter for news about the community as well as information of national importance (Attachment 6). Ms. Mowery-Denning said that the city administrator reported the city's budget outlay for public notices was a fraction of one percent. She lamented the amount of information not currently published in newspapers, such as the financial condition of banks and the names of businesses that fail to pay taxes.

Dane Hicks, Publisher, The Anderson County Review, Garnet, Kansas, speaking as an opponent to **HB 2166** holds the opinion that the best way to inform the public of legal notices is through the newspaper (Attachment 7). He said that the cost savings touted in website usage would be negligible and that critical legal information could be less available to the public.

Kenneth Knepper, Advertising Director, Sun Publications, Overland Park, Kansas, spoke opposing **HB 2166**. He said notices published in Kansas newspapers give citizens information about government activities, community services and transparency for the public (Attachment 8).

Written testimony in opposition to **HB 2166** was submitted by the following:

Joe Warren, Publisher/Editor, Atchison Globe, Atchison, Kansas (Attachment 9),
Sandy Nelson, Publisher, Sun Publications, Overland Park, Kansas (Attachment 10),
Lee M. Sawyer, General Manager, NPG Newspapers, Inc., St. Joseph, Missouri (Attachment 11),
Ned Seaton, General Manager, The Manhattan Mercury, Manhattan, Kansas (Attachment 12),
Darrel Adams, Publisher, Dodge City Daily Globe, Dodge City, Kansas (Attachment 13),
Doug Anstaett, Executive Director, Kansas Press Association, Topeka, Kansas (Attachment 14),
Ned Valentine, Publisher, Clay Center Dispatch, Clay Center, Kansas (Attachment 15),
John Baetz, Publisher, Sixteen 60 Publishing Company, Chapman, Kansas (Attachment 16),
William "Skip" Hidlay, President and Publisher, The Wichita Eagle, Wichita, Kansas (Attachment 17),
Rich Gannon, Director Governmental Affairs, Kansas Press Association, Topeka, Kansas (Attachment 18),
Keith Lippoldt, Publisher, The Pratt Tribune, Kiowa County Signal, The St. John News (Attachment 19),
Chuck Kurtz, Government Reporter, Sun Publications, Overland Park, Kansas (Attachment 20),
John Montgomery, President, Hutchinson Publishing Company, Hutchinson, Kansas (Attachment 21),
Eileen King, Riley County Treasurer, Representative of Kansas County Treasurers Association and Kansas County Officials Association (Attachment 22),
Donald R. Merriman, Saline County Clerk and Election Officer, President, Kansas County Clerks and Election Officials Association (Attachment 23).

Following discussion, the hearing on **HB 2166** was closed.

The Vice-Chair allowed committee consideration of **HB 2166**. Representative Mah moved to amend the bill replacing "comply" with "shall satisfy the requirements." Representative Sloan seconded the motion. The motion to amend passed.

Representative Sloan moved to amend the bill stating, "If an internet website is selected as the official publication source for a municipality, the municipality shall also publish in an official newspaper a summary of the notice. That summary shall include a reference to the official website with full text of the notice and where it can be found." Representative Mah seconded the motion. The motion passed.

Following extensive discussion, Representative Otto moved to table **HB 2166** until early in the 2012 legislative session suggesting all parties work together toward a solution. Representative Hineman seconded the motion. The motion passed 5-3 to table the bill.

The Vice-Chair requested the committee consider **SB 40 - Counties; certain contracts exempt from bidding**. Representative Sloan moved to amend the bill by deleting the comma on line 24, insert the

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words “or safety” then delete “and welfare.” Representative Carlin seconded the amendment. The amendment passed.

Representative Mah moved to amend the bill beginning on line 31 by adding “construction of replacement building remain subject to the provisions in Sub-section (a).” Representative Carlin seconded the motion. The motion to amend was passed.

Representative Sloan moved to pass **SB 40** as amended. Representative Hineman seconded the motion. The motion passed as amended. Representative Carlin will carry the bill on the floor.

The Vice-Chair requested the committee consider **SB 119 - Rail service improvement program loans and grants**. Representative Hineman moved to pass **SB 119**. Representative Otto seconded the motion. The motion passed. Representative Hineman will carry the bill on the floor.

The Vice-Chair requested the committee consider **SB 112 - Amendments to statutes pertaining to land surveyors**. Representative Sloan moved to pass **SB 112**. Representative Worley seconded the motion. The motion passed. Representative Otto will carry the bill on the floor.

The meeting was adjourned at 5:20 p.m. There are no additional meetings scheduled for 2011.