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STATE OF KANSAS

Testimony: HB2297 (Proponent)

Senate Committee on Transparency & Ethics
Wednesday, March 17, 2021

Chairwoman Bowers and members of the Committee:

Since taking office in January 2019, our team has review over 1,000 statutes directly involving the Office of Secretary of State and found many needed updated, clarified or eliminated. HB2297 is a product of that effort and we offer this testimony in support of the legislation.

HB2297 allows the Secretary of State to move forward on modernizing the publication responsibilities of the office and to provide additional publication offerings. First, the bill standardizes pricing mechanisms for publishing, storing, selling and distributing the publications. Second, it allows the office to follow the state procurement process to seek additional bids from third party printers. Third, the bill allows for electronic subscriptions to the *Kansas Legislature*. Fourth, HB2297 updates state statute on required notices of amendments to the *Kansas Constitution*.

For reference, state law requires the Secretary of State's office to publish session laws, the *Kansas Register* and Kansas Administrative Regulations (KAR) full volumes and supplemental books. We are also required to sell, distribute and store these publications as well as the Kansas Statutes Annotated (K.S.A.) Volumes, K.S.A. Supplements and the Senate and House Journals. The problem the bill seeks to fix is the inconsistent pricing mechanism for these publications. The price for:

- K.S.A. and K.S.A. Supplement is set by Legislative Coordinating Council (no rules and regulations required)
- House & Senate Journal is set by Legislative Coordinating Council (no rules and regulations required)
- Kansas Register is set by Secretary of State (no rules and regulations required)
- **Delivery fees for KSA, KAR, Session Laws and Journals are set by Secretary of State (rules and regulations required (K.A.R. 7-32-1))**
- **Processing and handling fees for K.S.A, K.A.R, Session Laws and Journals are set by Secretary of State (rules and regulations required (K.A.R. 7-16-1))**
- **Kansas Session Laws is set by Secretary of State (rules and regulations required (KAR 7-30-1))**
- **KAR is set by Secretary of State (rules and regulations required (KAR 7-32-2))**

HB2297 would make it easier for our office to keep up with publishing and delivery costs without going through the time-consuming process of establishing or updating rules and regulations. Delivery costs, by their nature, vary constantly and can only be determined at the time of delivery. This makes it virtually impossible to use the time-consuming regulation process (minimum of 114 days) to set delivery fees at an amount to cover actual costs. The result is the Secretary of State operates the delivery of publications at a net loss, instead of passing the costs on to the customer as the legislature intended. *Please note, a separate statute limits pricing of these publications to cover only publishing costs.*

The bill would also allow the Secretary of State to follow the state procurement process to solicit bids to print publications and use private printers. Currently, we are required to use the state printer for official publications and have little recourse for common occurrences where the publications are not produced on-time or without complication or error. We have utilized the procurement process to print non-official publications with third-party

printers, like Envision in Wichita, who have delivered items without conflict, on time and at a consistently lower cost than the state printer. HB2297 simply allows our office to seek more cost-efficient options available for printing.

HB2297 would allow subscriptions to the official newspaper of Kansas, the *Kansas Register*, to be offered in electronic form. The number of subscribers who pay for the print edition has continually decreased. Our office believes that offering this publication in electronic form, while still making print available, will allow us to improve distribution of the *Kansas Register* without increasing costs to subscribers or the agency.

Finally, HB2297 updates current law on the requirement of the Secretary of State to publish notice of proposed amendments to the *Kansas Constitution* for the three consecutive weeks before they appear on the ballot. Current law requires notice to be placed in a newspaper published in each of Kansas' 105 counties. Our office worked with the Kansas Press Association to account for scenarios where a county may no longer have an official publication. The bill also provides a process for the Secretary of State to be reimbursed for publishing notice of amendments to the *Kansas Constitution* from the State General Fund (SGF). Historically, the Kansas Legislature has appropriated funding to the Secretary of State to cover the costs of publishing the notice since the agency is fully fee funded. However, with constitutional amendments in 2010 and 2019, the appropriation was not made by the Legislature, resulting in our office incurring non-budgeted expenses from fee funds.

On behalf of the Office of Secretary of State, we appreciate your consideration of HB2297 and ask for your support of this legislation.

Respectfully submitted,

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