

THE HOLTON RECORDER

109 W. 4TH ST. - 785-364-3141 - P.O. BOX 311

February 16, 2017

To: Kristey Williams, chairman of the House Local Government Committee

From: David Powls/owner/publisher of The Holton Recorder newspaper

Regarding: Opposition to HB 2247 on public notice

Dear Rep. Williams and committee members:

As a newspaper owner in Kansas for 34 years, I want to provide you with the major reason I believe public notices should, and must, continue to be published in newspapers.

No other medium can duplicate the legal function that newspapers provide to our court system.

When the local school board, city council or county commission want notify their constituents, the local taxpayers, about proposed changes or new plans to annex property or build a new school, for example, they are required by state law to publish a public notice in their official newspaper.

The newspaper publishes the public notice, and then provides the school board, city council or county commission with an **affidavit of publication** signed by a notary public that guarantees that the public notice was indeed published in the newspaper when it was scheduled to be published.

The affidavit of publication is undisputable, unchallenged proof accepted by our society in our court system that the school board, city council or county commission have provided the public - the

constituents, the taxpayers - with sufficient public notice.

Because of the affidavit of publication that only newspapers can provide, no constituent or taxpayer can challenge in the court system the fact that they were given proper public notice in their community of the stated intent of the government entity involved.

So far, however, there is no way to know definitively whether a public notice uploaded to the Internet is viewed by anyone in a specific geographical area.

Therefore, public notices uploaded to the Internet do not, and cannot, provide any accepted proof to our court system that constituents and taxpayers in a specific geographic area have been provided sufficient public notice about actions of the local school board, city commission or school board.

To cease publishing public notices in newspapers would expose local government entities to the risk that their constituents and taxpayers could/would file suits against them for not providing them the public notice as required by state law.

The state of Kansas regulates the fee that newspapers charge to publish public notices. That fee cannot exceed the lowest rate that newspapers charge to publish classified ads by the word. It is a small fee to pay for such an important role that newspapers play in our society to ensure that taxpayers receive sufficient public notice.

From David Powls
owner/publisher of The Holton Recorder