

HOUSE BILL No. 2166

By Committee on Appropriations

2-4

1 AN ACT concerning municipalities; pertaining to using the internet for
2 official publications; amending K.S.A. 12-1651 and 64-101 and
3 repealing the existing sections.

4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 12-1651 is hereby amended to read as follows: 12-
6 1651. (a) The governing body of each city of the second and third class
7 shall designate by resolution a newspaper or internet website to be the
8 official city newspaper publication source for the city. Once designated,
9 the newspaper or internet website shall be the official city newspaper
10 publication source for the city until such time as the governing body
11 designates a different newspaper or internet website.

12 (b) If a newspaper is selected as for the official publications
13 publication source for a city of either of the second and or third class, the
14 newspaper shall be one which has the following qualifications:

15 (1) It must be published at least weekly 50 times each year and have
16 been so published for at least one year prior to the publication of any
17 official city publication.

18 (2) It must be entered at the post office of publication as second
19 class mail matter.

20 (3) More than 50% of the circulation must be sold to the subscribers
21 either on a daily, weekly, monthly or yearly basis.

22 (4) It shall have general paid circulation on a daily, weekly, monthly
23 or yearly basis in the county and shall not be a trade, religious or fraternal
24 publication.

25 (c) If an internet website is selected for the official publication
26 source for a city of the second or third class, the internet website shall
27 have the following qualifications:

28 (1) It must not be password protected.

29 (2) It must be accessible to members of the general public.

30 (3) No fee shall be associated with or charged for accessing the
31 website.

32 (4) The publication of a city legal notice, advertisement, ordinance
33 or resolution pursuant to the provisions of this section shall comply with
34 any statutory requirement for the official publication as may be required
35 by law, including any requirement for the publication in the official city
36

Proposed Amendments for HB 2166
For Committee on Local Government
February 14, 2012
Prepared by: Eunice Peters (on behalf of Chair Huebert)
Office of Revisor of Statutes

MOTIONS

- 1. HB 2166 is currently on the table:
--> A motion will need to be made to take it off the table.
- 2. Since amendments were passed on this bill in 2011 and if it's committee's intent to remove such amendments and adopt this balloon, a following motion should be made:
--> "Move to strike all amendments added in 2011 and further amending this bill by adopting this balloon"
- 3. Substitute bill
--> "Move to designate the amendments so adopted as a substitute bill"

"cities; relating to the publication of certain ordinances; amending K.S.A. 12-3001 and 12-3007 and repealing the existing sections."

"Section 1. K.S.A. 12-3001 is hereby amended to read as follows: 12-3001. All ordinances of a city shall be considered at a public meeting of the governing body except as otherwise herein provided or where a statute provides a different procedure for an ordinance for a specific purpose: Provided, That in commission cities of the first class no ordinance other than one providing for the appropriation of funds, shall be passed finally on the day it is introduced, except in the case of public emergencies, and then only when requested by the mayor in writing, but no ordinance granting a franchise or special privilege shall ever be passed as an emergency measure."

House Local Government
Date 2-14-2012
Attachment 19

~~newspaper.~~

~~Sec. 2. K.S.A. 64-101 is hereby amended to read as follows: 64-101. (a) The governing body of each city of the first class shall designate by resolution a newspaper or internet website to be the official city newspaper publication source for the city. Once designated, the newspaper or internet website shall be the official city newspaper publication source for the city until such time as the governing body designates a different newspaper or internet website.~~

~~No legal notice, advertisement or publication of any kind required or provided by any of the laws of the state of Kansas, to be published in a newspaper shall have any force or effect unless the same is published in a newspaper which the official publication source for the city.~~

~~(b) If a newspaper is selected as the official publication source for a city of the first class, the newspaper shall have the following qualifications:~~

~~(1) Is published at least weekly 50 times a year and has been so published for at least one year prior to the publication of any official city publications;~~

~~(2) is entered at the post office as periodical class mail matter;~~

~~(3) has general paid circulation on a daily, weekly, monthly or yearly basis in the county in which the city is located and is not a trade, religious or fraternal publication; and~~

~~(4) is published in the county in which the city publishing the official publication is located. If there is no newspaper published in the county, the newspaper shall be published in Kansas and shall have general paid circulation in the county.~~

Sec. 2. K.S.A. 12-3007 is hereby amended to read as follows:

12-3007. (a) The city clerk shall cause all ordinances, except appropriation ordinances, as soon as practicable after they have been passed and signed, passed over the mayor's veto or will take effect without signature, to be published once in the official city newspaper, unless a statute requires more publications. Ordinances shall take effect the day of publication unless a different and later date is stated in the ordinance or otherwise specified by statute. Provided, That appropriation ordinances shall take effect upon passage. The publisher shall print in a line preceding the number of the ordinance a statement in parentheses as follows: (Published _____, 19 20), giving the month, day and year. The manner of publication and effective date of codifications shall be as hereinafter provided.

(b) In lieu of full publication of an ordinance pursuant to this section, a city may opt to publish a summary of the ordinance so long as:

(1) the publication is identified as a "summary" and contains notice that the complete text of the ordinance may be obtained or viewed free of charge at the office of the city clerk;

(2) the city attorney certifies the summary of the ordinance prior to publication to ensure that the summary is legally accurate and sufficient; and

(3) the publication contains the city's official website address where a reproduction of the original ordinance is available for a minimum of one week following the summary publication in the newspaper"; by inserting a paragraph, by inserting: "If an ordinance is subject to petition pursuant to state law, then the summary shall contain a statement that the ordinance is subject to petition."

1 different newspaper or internet website. The newspaper selected for the
2 official publications of a county shall be a newspaper which:
3 ~~(f) If a newspaper is selected for the official publication source for
4 the county, it shall have the following qualifications:~~
5 ~~(1) Is published at least weekly 50 times each year and has been so
6 published for at least one year prior to the publication of any official
7 county publication;~~
8 ~~(2) is entered at the post office in the county of publication as
9 periodical class mail matter, which county shall be located in Kansas;~~
10 ~~(3) has general paid circulation on a daily, weekly, monthly or yearly
11 basis in the county and is not a trade, religious or fraternal publication;~~
12 and
13 ~~(4) is published in the county publishing the official publication. If
14 there is no newspaper published in the county, the newspaper shall be
15 printed in Kansas and have general paid circulation in the county.~~
16 ~~(g) If an internet website is selected for the official publication
17 source for the county, it shall have the following qualifications:~~
18 ~~(1) The internet website must not be password protected.~~
19 ~~(2) It must be accessible to members of the general public.~~
20 ~~(3) No fee shall be associated with or charged for accessing the
21 website.~~
22 ~~(h) The publication of a county legal notice advertisement,
23 ordinance or resolution pursuant to the provisions of this section shall
24 comply with any statutory requirement for the official publication as may
25 be required by law, including any requirement for the publication in the
26 official county newspaper.~~
27 ~~(e)-(f) Whenever the board of education of a school district is
28 required to publish a legal notice, advertisement or other publication in a
29 newspaper having general circulation in the school district, such
30 newspaper shall be one which:~~
31 ~~(1) Is published at least weekly 50 times each year and has been so
32 published for at least one year prior to the publication of any school
33 district publication;~~
34 ~~(2) is entered at the post office in the school district of publication as
35 periodical class mail matter;~~
36 ~~(3) has general paid circulation on a daily, weekly, monthly or yearly
37 basis in the school district and is not a trade, religious or fraternal
38 publication; and~~
39 ~~(4) is published in the school district publishing the official
40 publication. If there is no newspaper published in the school district, the
41 newspaper shall be published in Kansas and shall have general paid
42 circulation in the school district.~~
43 ~~(d)-(f) Nothing contained in this section shall invalidate the~~

"Sec. 3. K.S.A. 12-3001 and 12-3007 are hereby repealed."

1 publication in a newspaper which has resumed publication after having
 2 suspended publication all or part of the time that the United States has
 3 been engaged in war with any foreign nation and six months next
 4 following the cessation of hostilities if such newspaper resumes
 5 publication in good faith under the same ownership as it had when it
 6 suspended publication. Nothing in this section shall invalidate the
 7 publication in a newspaper which has simply changed its name or moved
 8 its place of publication from one part of the county to another part or
 9 suspended publication on account of fire, flood, strikes, shortages of
 10 materials or other unavoidable accidents for not to exceed 10 weeks
 11 within the year last preceding the first publication of the legal notice,
 12 advertisement or publication. All legal publications heretofore made
 13 which otherwise would be valid, that have been made in a newspaper
 14 which, on account of flood, fire, strikes, shortages of materials or other
 15 unavoidable accident, has suspended publication for a period of not
 16 exceeding 10 weeks, are hereby legalized.
 17 ~~Sec. 3. K.S.A. 12-1651 and 64-101 are hereby repealed.~~
 18 Sec. 4. This act shall take effect and be in force from and after its
 19 publication in the statute book.
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