

HOUSE BILL No. 2247

By Committee on Local Government

2-2

1 AN ACT concerning legal publications; authorizing use of internet
2 websites for legal publications; amending K.S.A. 12-1651 and 64-101
3 and repealing the existing sections.

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

6 New Section 1. (a) Except as provided for cities, counties and school
7 districts in K.S.A. 12-1651 and 64-101, and amendments thereto, any
8 provision of law that requires any board or entity to provide one or more
9 publications in a newspaper of general circulation may be fulfilled by
10 publication on an internet website that:

11 (1) Is the official internet website for the board or entity or has been
12 selected by the board or entity to be the official publication source for such
13 board or entity;

14 (2) is not password protected;

15 (3) is accessible to members of the general public; and

16 (4) does not have any fee associated with or charged for accessing the
17 website.

18 (b) Publication on an internet website shall comply with any time and
19 date requirements that are statutorily imposed upon a board or entity as
20 though publication was made in a newspaper. When publication is made
21 on an internet website pursuant to this section, such publication shall
22 remain on the website for at least 90 days.

23 Sec. 2. K.S.A. 12-1651 is hereby amended to read as follows: 12-
24 1651. (a) The governing body of each city of the second and third class
25 shall designate by resolution a newspaper *or internet website* to be the
26 official ~~city newspaper~~ *publication source for the city*. Once designated,
27 the newspaper *or internet website* shall be the official ~~city newspaper~~
28 *publication source for the city* until such time as the governing body
29 designates a different newspaper *or internet website*.

30 (b) ~~The~~ *If a newspaper is selected for as the official publications of*
31 *cities publication source for a city* of the second ~~and~~ *or third class, the*
32 *newspaper shall be one which has* have the following qualifications:

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

36 (2) It must be entered at the post office of publication as second-class

1 mail matter.

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

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

7 (c) *If an internet website is selected for the official publication source*
8 *for a city of the second or third class, the internet website shall have the*
9 *following qualifications:*

10 (1) *It must not be password protected.*

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

12 (3) *No fee shall be associated with or charged for accessing the*
13 *website.*

14 (d) *Any provision of law that requires a city to provide one or more*
15 *publications in a newspaper may be fulfilled by publication on an official*
16 *internet website. Publication on an internet website shall comply with any*
17 *time and date requirements that are statutorily imposed upon a city as*
18 *though publication was made in a newspaper. When publication is made*
19 *on an official internet website, such publication shall remain on the*
20 *website for at least 90 days.*

21 Sec. 3. K.S.A. 64-101 is hereby amended to read as follows: 64-101.

22 (a) The governing body of each city of the first class shall designate by
23 resolution a newspaper *or internet website* to be the official ~~city newspaper~~
24 *publication source for the city.* Once designated, the newspaper *or internet*
25 *website shall be the official ~~city newspaper~~ publication source for the city*
26 until such time as the governing body designates a different newspaper *or*
27 *internet website.*

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

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

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

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

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

42 (4) *is published in the county in which the city publishing the official*
43 *publication is located. If there is no newspaper published in the county, the*

1 newspaper shall be published in Kansas and shall have general paid
2 circulation in the county.

3 ~~(b)~~(c) *If an internet website is selected as the official publication*
4 *source for a city of the first class, it shall have the following*
5 *qualifications:*

- 6 (1) *The internet website must not be password protected;*
7 (2) *it must be accessible to members of the general public; and*
8 (3) *no fee shall be associated with or charged for accessing the*
9 *website.*

10 (d) *Any provision of law that requires a city to provide one or more*
11 *publications in a newspaper may be fulfilled by publication on an official*
12 *internet website. Publication on an internet website shall comply with any*
13 *time and date requirements that are statutorily imposed upon a city as*
14 *though publication was made in a newspaper. When publication is made*
15 *on an official internet website, such publication shall remain on the*
16 *website for at least 90 days.*

17 (e) The board of county commissioners of each county shall designate
18 by resolution a newspaper or internet website to be the official ~~county~~
19 ~~newspaper~~ publication source for the county. Once designated, the
20 newspaper or internet website shall be the official county ~~newspaper~~
21 ~~publication source for the county~~ until such time as the board designates a
22 different newspaper or internet website. ~~The newspaper selected for the~~
23 ~~official publications of a county shall be a newspaper which:~~

24 (f) *If a newspaper is selected for the official publication source for a*
25 *county, it shall have the following qualifications:*

- 26 (1) *Is published at least weekly 50 times each year and has been so*
27 *published for at least one year prior to the publication of any official*
28 *county publication;*
29 (2) *is entered at the post office in the county of publication as*
30 *periodical class mail matter, which county shall be located in Kansas;*
31 (3) *has general paid circulation on a daily, weekly, monthly or yearly*
32 *basis in the county and is not a trade, religious or fraternal publication; and*
33 (4) *is published in the county publishing the official publication. If*
34 *there is no newspaper published in the county, the newspaper shall be*
35 *printed in Kansas and have general paid circulation in the county.*

36 ~~(e) Whenever the board of education of a school district is required to~~
37 ~~publish a legal notice, advertisement or other publication in a newspaper~~
38 ~~having general circulation in the school district, such newspaper shall be~~
39 ~~one which:~~

40 (g) *If an internet website is selected for the official publication source*
41 *for a county, it shall have the following qualifications:*

- 42 (1) *The internet website must not be password protected;*
43 (2) *it must be accessible to members of the general public; and*

1 (3) *no fee shall be associated with or charged for accessing the*
2 *website.*

3 (h) *Any provision of law that requires a county to provide one or*
4 *more publications in a newspaper may be fulfilled by publication on an*
5 *official internet website. Publication on an internet website shall comply*
6 *with any time and date requirements that are statutorily imposed upon a*
7 *county as though publication was made in a newspaper. When publication*
8 *is made on an official internet website, such publication shall remain on*
9 *the website for at least 90 days.*

10 (i) (1) *The board of education of each school district shall designate*
11 *by resolution a newspaper or internet website to be the official publication*
12 *source for the school district. Once designated, the newspaper or internet*
13 *website shall be the official publication source for the school district until*
14 *such time as the board of education of the school district designates a*
15 *different newspaper or internet website.*

16 (2) *If a newspaper is selected as the official publication source for a*
17 *school district, the newspaper shall have the following qualifications:*

18 (+) (A) *Is published at least weekly 50 times each year and has been*
19 *so published for at least one year prior to the publication of any school*
20 *district publication;*

21 (±) (B) *is entered at the post office in the school district of publication*
22 *as periodical class mail matter;*

23 (±) (C) *has general paid circulation on a daily, weekly, monthly or*
24 *yearly basis in the school district and is not a trade, religious or fraternal*
25 *publication; and*

26 (±) (D) *is published in the school district publishing the official*
27 *publication. If there is no newspaper published in the school district, the*
28 *newspaper shall be published in Kansas and shall have general paid*
29 *circulation in the school district.*

30 ~~(d) Nothing contained in this section shall invalidate the publication~~
31 ~~in a newspaper which has resumed publication after having suspended~~
32 ~~publication all or part of the time that the United States has been engaged~~
33 ~~in war with any foreign nation and six months next following the cessation~~
34 ~~of hostilities if such newspaper resumes publication in good faith under the~~
35 ~~same ownership as it had when it suspended publication. Nothing in this~~
36 ~~section shall invalidate the publication in a newspaper which has simply~~
37 ~~changed its name or moved its place of publication from one part of the~~
38 ~~county to another part, or suspended publication on account of fire, flood,~~
39 ~~strikes, shortages of materials or other unavoidable accidents for not to~~
40 ~~exceed 10 weeks within the year last preceding the first publication of the~~
41 ~~legal notice, advertisement or publication. All legal publications heretofore~~
42 ~~made which otherwise would be valid, that have been made in a~~
43 ~~newspaper which, on account of flood, fire, strikes, shortages of materials~~

1 ~~or other unavoidable accident, has suspended publication for a period of~~
2 ~~not exceeding 10 weeks, are hereby legalized.~~

3 (3) *If an internet website is selected for the official publication source*
4 *for a school district, it shall have the following qualifications:*

5 (A) *The internet website must not be password protected;*

6 (B) *it must be accessible to members of the general public; and*

7 (C) *no fee shall be associated with or charged for accessing the*
8 *website.*

9 (4) *Any provision of law that requires a school district to provide one*
10 *or more publications in a newspaper may be fulfilled by publication on an*
11 *official internet website. Publication on an internet website shall comply*
12 *with any time and date requirements that are statutorily imposed upon a*
13 *school district as though publication was made in a newspaper. When*
14 *publication is made on an official internet website, such publication shall*
15 *remain on the website for at least 90 days.*

16 Sec. 4. K.S.A. 12-1651 and 64-101 are hereby repealed.

17 Sec. 5. This act shall take effect and be in force from and after its
18 publication in the statute book.