

HOUSE BILL No. 2237

By Committee on Local Government

2-12

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

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

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

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

(2) is not password protected;

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

(4) does not have any fee associated with or charged for accessing the website; and

(5) is a specific webpage that is titled "Legal Publications" and is accessible from the homepage of the city, county or school website.

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

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

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

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

1 official city publication.

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

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

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

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

12 (1) *It must not be password protected;*

13 (2) *it must be accessible to members of the general public;*

14 (3) *no fee shall be associated with or charged for accessing the
15 website; and*

16 (4) *it must be a specific webpage that is titled "Legal Publications"
17 and is accessible from the homepage of the city.*

18 (d) *Any provision of law that requires a city to provide one or more
19 publications in a newspaper may be fulfilled by publication on an official
20 website. Publication on a website shall comply with any time and date
21 requirements that are statutorily imposed upon a city as though
22 publication was made in a newspaper. When publication is made on an
23 official website, such publication shall remain on the website for at least
24 90 days.*

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

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

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

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

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

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

43 (3) *has general paid circulation on a daily, weekly, monthly or yearly*

1 basis in the county in which the city is located and is not a trade, religious
2 or fraternal publication; and

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

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

9 (1) *The website must not be password protected;*

10 (2) *it must be accessible to members of the general public;*

11 (3) *no fee shall be associated with or charged for accessing the*
12 *website; and*

13 (4) *it must be a specific webpage that is titled "Legal Publications"*
14 *and is accessible from the homepage of the city.*

15 (d) *Any provision of law that requires a city to provide one or more*
16 *publications in a newspaper may be fulfilled by publication on an official*
17 *website. Publication on a website shall comply with any time and date*
18 *requirements that are statutorily imposed upon a city as though*
19 *publication was made in a newspaper. When publication is made on an*
20 *official website, such publication shall remain on the website for at least*
21 *90 days.*

22 (e) The board of county commissioners of each county shall designate
23 by resolution a newspaper or website to be the official ~~county newspaper~~
24 ~~publication source for the county.~~ Once designated, the newspaper or
25 website shall be the official county newspaper publication source for the
26 county until such time as the board designates a different newspaper or
27 website. ~~The newspaper selected for the official publications of a county~~
28 ~~shall be a newspaper which:~~

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

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 official
33 county publication;

34 (2) is entered at the post office in the county of publication as
35 periodical class mail matter, which county shall be located in Kansas;

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

38 (4) is published in the county publishing the official publication. If
39 there is no newspaper published in the county, the newspaper shall be
40 printed in Kansas and have general paid circulation in the county.

41 ~~(e) Whenever the board of education of a school district is required to~~
42 ~~publish a legal notice, advertisement or other publication in a newspaper~~
43 ~~having general circulation in the school district, such newspaper shall be~~

1 ~~one which:~~

2 (g) *If a website is selected for the official publication source for a*
3 *county, it shall have the following qualifications:*

4 (1) *The website must not be password protected;*

5 (2) *it must be accessible to members of the general public;*

6 (3) *no fee shall be associated with or charged for accessing the*
7 *website; and*

8 (4) *it must be a specific webpage that is titled "Legal Publications"*
9 *and is accessible from the homepage of the county.*

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

17 (i) (1) *The board of education of each school district shall designate*
18 *by resolution a newspaper or website to be the official publication source*
19 *for the school district. Once designated, the newspaper or website shall be*
20 *the official publication source for the school district until such time as the*
21 *board of education of the school district designates a different newspaper*
22 *or website.*

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

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

28 ~~(2)~~(B) *is entered at the post office in the school district of publication*
29 *as periodical class mail matter;*

30 ~~(3)~~(C) *has general paid circulation on a daily, weekly, monthly or*
31 *yearly basis in the school district and is not a trade, religious or fraternal*
32 *publication; and*

33 ~~(4)~~(D) *is published in the school district publishing the official*
34 *publication. If there is no newspaper published in the school district, the*
35 *newspaper shall be published in Kansas and shall have general paid*
36 *circulation in the school district.*

37 ~~(d) Nothing contained in this section shall invalidate the publication~~
38 ~~in a newspaper which has resumed publication after having suspended~~
39 ~~publication all or part of the time that the United States has been engaged~~
40 ~~in war with any foreign nation and six months next following the cessation~~
41 ~~of hostilities if such newspaper resumes publication in good faith under the~~
42 ~~same ownership as it had when it suspended publication. Nothing in this~~
43 ~~section shall invalidate the publication in a newspaper which has simply~~

1 ~~changed its name or moved its place of publication from one part of the~~
2 ~~county to another part, or suspended publication on account of fire, flood,~~
3 ~~strikes, shortages of materials or other unavoidable accidents for not to~~
4 ~~exceed 10 weeks within the year last preceeding the first publication of the~~
5 ~~legal notice, advertisement or publication. All legal publications heretofore~~
6 ~~made which otherwise would be valid, that have been made in a~~
7 ~~newspaper which, on account of flood, fire, strikes, shortages of materials~~
8 ~~or other unavoidable accident, has suspended publication for a period of~~
9 ~~not exceeding 10 weeks, are hereby legalized.~~

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

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

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

14 (C) *no fee shall be associated with or charged for accessing the*
15 *website; and*

16 (D) *it must be a specific webpage that is titled "Legal Publications"*
17 *and is accessible from the homepage of the school district.*

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

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

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