

HOUSE BILL No. 2485

By Committee on Judiciary

2-9

AN ACT concerning legal publications; amending K.S.A. 2000 Supp. 64-101 and repealing the existing section.

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

Section 1. K.S.A. 2000 Supp. 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 to be the official city newspaper. Once designated, the newspaper shall be the official city newspaper until such time as the governing body designates a different newspaper.

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:

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

(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.

(b) The board of county commissioners of each county shall designate by resolution a newspaper to be the official county newspaper. Once designated the newspaper shall be the official county newspaper until such time as the board designates a different newspaper. The newspaper selected for the official publications of a county shall be a newspaper which:

(1) Is published at least weekly 50 times each year and has been so published for at least ~~one year~~ *five years* prior to the publication of any official county publication;

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

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

4 (4) is published in the county publishing the official publication. If
5 there is no newspaper published in the county, the newspaper shall be
6 ~~printed~~ published in Kansas and have general paid circulation in the
7 county.

8 (c) Whenever the board of education of a school district is required
9 to publish a legal notice, advertisement or other publication in a news-
10 paper having general circulation in the school district, such newspaper
11 shall be one which:

12 (1) Is published at least weekly 50 times each year and has been so
13 published for at least ~~one year~~ five years prior to the publication of any
14 school district publication;

15 (2) is entered at the post office ~~in the school district of publication~~
16 as periodical class mail matter;

17 (3) has general paid circulation on a daily, weekly, monthly or yearly
18 basis in the school district and is not a trade, religious or fraternal pub-
19 lication; and

20 (4) is published in the school district publishing the official publica-
21 tion. If there is no newspaper published in the school district, the news-
22 paper shall be published in Kansas and shall have general paid circulation
23 in the school district.

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

40 (e) *In addition to the requirements established in subsection (b), in*
41 *any county having a population of 100,000 or over, no legal notice, ad-*
42 *vertisement or publication of any kind required or provided by any of the*
43 *laws of the state of Kansas shall have any force or effect unless the same*

1 *is published in a newspaper which has a general paid circulation of 500*
2 *or more in the county where such publication is to be published.*

3 *(f) Any newspaper publishing legal notices pursuant to this section*
4 *shall be owned and operated by individuals, partnerships, corporations*
5 *or other business entities that are residents of or domiciled in Kansas.*

6 Sec. 2. K.S.A. 2000 Supp. 64-101 is hereby repealed.

7 Sec. 3. This act shall take effect and be in force from and after its
8 publication in the statute book.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43