

## SENATE BILL No. 77

By Committee on Elections and Local Government

1-28

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AN ACT concerning municipalities; pertaining to using the internet for official publications; amending K.S.A. 12-1651 and K.S.A. 2002 Supp. 64-101 and repealing the existing sections.

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

Section 1. 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 internet web site* to be the official ~~city newspaper~~ *publication source for such city*. Once designated the newspaper *or internet web site* shall be the official ~~city newspaper~~ *publication source for such city* until such time as the governing body designates a different newspaper *or internet web site*.

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

(1) ~~Such newspaper~~ 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 official city publication.

(2) ~~Such newspaper~~ must be entered at the post office of publication as second-class mail matter.

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

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

(c) *If an internet web site is selected as the official publication source for a city of the second or third class, such internet web site shall have the following qualifications:*

(1) *Such internet web site shall not be password protected;*

(2) *such internet web site shall be accessible to members of the general public; and*

(3) *no fee shall be associated with or charged for access to such internet web site.*

(d) *The publication of a city legal notice, advertisement, ordinance or resolution pursuant to the provisions of this act shall comply with any*

1 *statutory requirement for the official publication of such city legal notice,*  
2 *advertisement, ordinance or resolution as may be required by law, in-*  
3 *cluding any requirement for the publication of such city legal notice, ad-*  
4 *vertisement, ordinance or resolution in the official city newspaper.*

5 *(e) For the purposes of this section, "internet" means the international*  
6 *network of interconnected government, educational and commercial com-*  
7 *puter networks.*

8 Sec. 2. K.S.A. 2002 Supp. 64-101 is hereby amended to read as fol-  
9 lows: 64-101. (a) The governing body of each city of the first class shall  
10 designate by resolution a newspaper *or internet web site* to be the official  
11 ~~city newspaper~~ *publication source for such city.* Once designated, the  
12 newspaper *or internet web site* shall be the official ~~city newspaper~~ *pub-*  
13 *lication source for such city* until such time as the governing body des-  
14 *ignates a different newspaper or internet web site.*

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

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

22 (1) ~~is~~ *Such newspaper shall be published at least weekly 50 times a*  
23 *year and has been so published for at least one year prior to the publi-*  
24 *cation of any official city publication;*

25 (2) *such newspaper* is entered at the post office as periodical class  
26 mail matter;

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

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

34 *(c) If an internet web site is selected as the official publication source*  
35 *for a city of the first class, such internet web site shall have the following*  
36 *qualifications:*

37 (1) *Such internet web site shall not be password protected;*

38 (2) *such internet web site shall be accessible to members of the general*  
39 *public; and*

40 (3) *no fee shall be associated with or charged for access to such in-*  
41 *ternet web site.*

42 *(d) The publication of a city legal notice, advertisement, ordinance or*  
43 *resolution pursuant to the provisions of this act shall comply with any*

1 *statutory requirement for the official publication of such city legal notice,*  
2 *advertisement, ordinance or resolution as may be required by law, in-*  
3 *cluding any requirement for the publication of such city legal notice, ad-*  
4 *vertisement, ordinance or resolution in the official city newspaper.*

5 ~~(b)~~ (e) The board of county commissioners of each county shall des-  
6 ignate by resolution a newspaper or internet web site to be the official  
7 ~~county newspaper~~ publication source for such county. Once designated  
8 the newspaper or internet web site shall be the official ~~county newspaper~~  
9 *publication source for such county* until such time as the board designates  
10 a different newspaper or internet web site. ~~The newspaper selected for~~  
11 ~~the official publications of a county shall be a newspaper which~~

12 (f) *If a newspaper is selected as the official publication source for such*  
13 *county, such newspaper shall have the following qualifications:*

14 (1) ~~It~~ *Such newspaper shall be published at least weekly 50 times*  
15 *each year and has been so published for at least one year prior to the*  
16 *publication of any official county publication;*

17 (2) *such newspaper is entered at the post office in the county of*  
18 *publication as periodical class mail matter, which county shall be located*  
19 *in Kansas;*

20 (3) *such newspaper has general paid circulation on a daily, weekly,*  
21 *monthly or yearly basis in the county and is not a trade, religious or*  
22 *fraternal publication; and*

23 (4) *such newspaper is published in the county publishing the official*  
24 *publication. If there is no newspaper published in the county, the news-*  
25 *paper shall be printed in Kansas and have general paid circulation in the*  
26 *county.*

27 (g) *If an internet web site is selected as the official publication source*  
28 *for a county, such internet web site shall have the following qualifications:*

29 (1) *Such internet web site shall not be password protected;*

30 (2) *such internet web site shall be accessible to members of the general*  
31 *public; and*

32 (3) *no fee shall be associated with or charged for access to such in-*  
33 *ternet web site.*

34 (h) *The publication of a county legal notice, advertisement, ordinance*  
35 *or resolution pursuant to the provisions of this act shall comply with any*  
36 *statutory requirement for the official publication of such county legal no-*  
37 *tice, advertisement, ordinance or resolution as may be required by law,*  
38 *including any requirement for the publication of such county legal notice,*  
39 *advertisement, ordinance or resolution in the official county newspaper.*

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

1 (1) Is published at least weekly 50 times each year and has been so  
2 published for at least one year prior to the publication of any school  
3 district publication;

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

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

9 (4) is published in the school district publishing the official publica-  
10 tion. If there is no newspaper published in the school district, the news-  
11 paper shall be published in Kansas and shall have general paid circulation  
12 in the school district.

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

29 (k) *For the purposes of this section, "internet" means the international*  
30 *network of interconnected government, educational and commercial com-*  
31 *puter networks.*

32 Sec. 3. K.S.A. 12-1651 and K.S.A. 2002 Supp. 64-101 are hereby  
33 repealed.

34 Sec. 4. This act shall take effect and be in force from and after its  
35 publication in the statute book.

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