

HOUSE BILL No. 2191

By Committee on Local Government

Requested by Representative Rahjes

1-31

1 AN ACT concerning legal publications; authorizing the use of internet
2 websites for publication of legal notices; amending K.S.A. 64-101 and
3 K.S.A. 2024 Supp. 10-120 and repealing the existing sections; also
4 repealing K.S.A. 12-1651.
5

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

7 New Section 1. (a) Any law that requires any person or entity to
8 publish a legal notice shall be deemed to be legally satisfied if a person or
9 entity publishes the required legal notice on a website designated as an
10 official legal notice website by a city or county pursuant to K.S.A. 64-101,
11 and amendments thereto. Such publication shall comply with the
12 requirements of this section.

13 (b) Any person or entity that publishes a legal notice on a website
14 pursuant to the authority granted by this section shall publish the legal
15 notice:

16 (1) In accordance with any time, date and recurrence requirements
17 that are statutorily imposed as though the publication is made in a
18 newspaper; and

19 (2) in each city, county or area that is required to be provided such
20 legal notice pursuant to law.

21 (c) This section shall not affect or modify any provision of law that
22 requires a person or entity to publish a legal notice both in a newspaper
23 and on a website. Publication of any legal notice subject to any such dual
24 publication requirement shall be made in accordance with the applicable
25 provision of law.

26 (d) As used in this section, "legal notice" means any legal notice,
27 advertisement or publication of any kind that is required or provided by
28 any of the laws of the state to be published in a newspaper.

29 Sec. 2. K.S.A. 2024 Supp. 10-120 is hereby amended to read as
30 follows: 10-120. (a) Whenever an election is required for the issuance of
31 bonds for any purpose by any municipality other than an irrigation district
32 or where a different procedure for giving notice of the election is
33 specifically provided by law, upon compliance with the legal requirements
34 necessary and precedent to the call for the election, the proper municipal
35 officers shall call an election. The election shall be held within 60 days

1 after compliance with the necessary requirements, or within 90 days,
2 should the longer period include the date of a general election.

3 (b) Notice of the election shall be published in a newspaper of general
4 circulation in the municipality once each week for two consecutive weeks
5 *or on the website of the county election office of any county where the*
6 *election is to be conducted.* The first publication shall be not less than 21
7 days prior to the election. ~~Notice of the election shall also be published on~~
8 ~~the website of the county election office of any county where the election~~
9 ~~is to be conducted. Such notice shall be published not less than 21 days~~
10 ~~prior to the election and~~ *If published on the website of the county election*
11 *office, such publication shall remain on the website until the day after the*
12 *election. The notice shall set forth the time and place of holding the*
13 *election and the purpose for which the bonds are to be issued and shall be*
14 *signed by the county election officer. The election shall be held at the*
15 *usual place of holding elections and shall be conducted by the officers or*
16 *persons provided by law for holding elections in the municipality.*

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

18 (a) (1) ~~The governing body of each city of the first class shall designate by~~
19 ~~resolution a newspaper or website to be the official city newspaper~~
20 ~~publication source of the city. Once designated, the newspaper or website~~
21 ~~shall be the official city newspaper publication source until such time as~~
22 ~~the governing body designates a different newspaper or website as the~~
23 ~~official publication source.~~

24 (2) No legal notice, advertisement or publication of any kind *that is*
25 *required or provided by any of the laws of the state of Kansas;* to be
26 *published in a newspaper shall have any force or effect unless the same*
27 *such legal notice, advertisement or publication is published in a*
28 *newspaper which or on a website pursuant to section 1, and amendments*
29 *thereto.*

30 (3) *If a newspaper is selected as the official publication source for a*
31 *city, the newspaper shall:*

32 ~~(1)(A) is~~ *Be published at least weekly 50 times a year and has have*
33 *been so published for at least one year prior to the publication of any*
34 *official city publication;*

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

36 ~~(3)(C) has~~ *have general paid circulation on a daily, weekly, monthly or*
37 *yearly basis in the county in which where the city is located and is not be a*
38 *trade, religious or fraternal publication; and*

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

43 (4) *If a website is selected as the official publication source for a city,*

1 *the website shall:*

2 (A) *Be maintained by such city such that only content approved for*
 3 *publication by such city shall be displayed on such website;*

4 (B) *be accessible to members of the general public and not password*
 5 *protected;*

6 (C) *not charge any fees for members of the general public to access*
 7 *the legal notices, advertisements or publications that are posted on such*
 8 *website; and*

9 (D) *document and display the publication date of each legal notice,*
 10 *advertisement or publication made on the website.*

11 (b) (1) *The board of county commissioners of each county shall*
 12 *designate by resolution a newspaper or website to be the official-county-*
 13 ~~*newspaper*~~ *publication source of the county. Once designated, the*
 14 *newspaper or website shall be the official-county-newspaper* *publication*
 15 *source until such time as the board designates a different newspaper. The*
 16 ~~*newspaper selected for the official publications of a county shall be a*~~
 17 ~~*newspaper which:*~~

18 (2) *If a newspaper is selected as the official publication source for a*
 19 *county, the newspaper shall:*

20 (A) ~~*Is*~~*Be published at least weekly 50 times each year and* ~~*has*~~ *have*
 21 *been so published for at least one year prior to the publication of any*
 22 *official county publication;*

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

25 (C) ~~*has*~~*have general paid circulation on a daily, weekly, monthly or*
 26 *yearly basis in the county and* ~~*is*~~ *not be a trade, religious or fraternal*
 27 *publication; and*

28 (D) ~~*is*~~*be published in the county publishing the official*
 29 *publication. If there is no newspaper published in the county, the*
 30 *newspaper shall be printed in Kansas and have general paid circulation in*
 31 *the county.*

32 (3) *If a website is selected as the official publication source for a*
 33 *county, the website shall:*

34 (A) *Be maintained by such county such that only content approved*
 35 *for publication by such county shall be displayed on such website;*

36 (B) *be accessible to members of the general public and not password*
 37 *protected;*

38 (C) *not charge any fees for members of the general public to access*
 39 *the legal notices, advertisements or publications that are posted on such*
 40 *website; and*

41 (D) *document and display the publication date for each legal notice,*
 42 *advertisement or publication made on the website.*

43 (c) (1) ~~*Whenever the board of education of a school district is*~~

1 ~~required to publish a legal notice, advertisement or other publication in a~~
 2 ~~newspaper having general circulation in the school district, such~~
 3 ~~newspaper shall be one which:~~ *The board of education of each school*
 4 *district shall designate by resolution a newspaper or website to be the*
 5 *official publication source for the school district. Once designated, the*
 6 *newspaper or website shall be the official publication source for the*
 7 *school district until the board designates a different newspaper or website.*

8 (2) *If a newspaper is selected as the official publication source for a*
 9 *school district, the newspaper shall:*

10 ~~(1)(A) Is~~ *Be published at least weekly 50 times each year and* ~~has~~ *have*
 11 *been so published for at least one year prior to the publication of any*
 12 *school district publication;*

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

15 ~~(3)(C) has~~ *have* general paid circulation on a daily, weekly, monthly or
 16 *yearly basis in the school district and* ~~is~~ *not be* a trade, religious or
 17 *fraternal publication; and*

18 ~~(4)(D) is~~ *be* published in the school district publishing the official
 19 *publication. If there is no newspaper published in the school district, the*
 20 *newspaper shall be published in Kansas and shall have general paid*
 21 *circulation in the school district.*

22 (3) *If a website is selected as the official publication source for a*
 23 *school district, the website shall:*

24 (A) *Be maintained by such school district such that only content*
 25 *approved for publication by such school district shall be displayed on such*
 26 *website;*

27 (B) *be accessible to members of the general public and not password*
 28 *protected;*

29 (C) *not charge any fees for members of the general public to access*
 30 *the legal notices, advertisements or publications that are posted on such*
 31 *website; and*

32 (D) *document and display the publication date for each legal notice,*
 33 *advertisement or publication made on the website.*

34 (d) Nothing contained in this section shall invalidate the publication
 35 in a newspaper ~~which~~ *that* has resumed publication after having suspended
 36 publication all or part of the time that the United States has been engaged
 37 in war with any foreign nation and six months next following the cessation
 38 of hostilities if such newspaper resumes publication in good faith under the
 39 same ownership as it had when it suspended publication. Nothing in this
 40 section shall invalidate the publication in a newspaper ~~which~~ *that* has
 41 ~~simply~~ changed its name or moved its place of publication from one part
 42 of the county to another part; or suspended publication on account of fire,
 43 flood, strikes, shortages of materials or other unavoidable accidents for not

1 to exceed 10 weeks within the year last preceding the first publication of
2 the legal notice, advertisement or publication. All *prior* legal publications
3 ~~heretofore made which~~ *that* otherwise would be valid; *and* that have been
4 made in a newspaper—~~which~~ *that*, on account of flood, fire, strikes,
5 shortages of materials or other unavoidable accident, has suspended
6 publication for a period of not exceeding 10 weeks; are hereby legalized.

7 Sec. 4. K.S.A. 12-1651 and 64-101 and K.S.A. 2024 Supp. 10-120
8 are hereby repealed.

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