

HOUSE BILL No. 2166

By Committee on Appropriations

2-4

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

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

6 Section 1. K.S.A. 12-1651 is hereby amended to read as follows: 12-
7 1651. (a) The governing body of each city of the second and third class
8 shall designate by resolution a newspaper *or internet website* to be the
9 official ~~city newspaper~~ *publication source for the city*. Once designated,
10 the newspaper *or internet website* shall be the official ~~city newspaper~~
11 *publication source for the city* until such time as the governing body
12 designates a different newspaper *or internet website*.

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

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

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

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

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

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

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

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

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

33 (d) *The publication of a city legal notice, advertisement, ordinance*
34 *or resolution pursuant to the provisions of this section shall comply with*
35 *any statutory requirement for the official publication as may be required*
36 *by law, including any requirement for the publication in the official city*

1 newspaper.

2 Sec. 2. K.S.A. 64-101 is hereby amended to read as follows: 64-101.

3 (a) The governing body of each city of the first class shall designate by
4 resolution a newspaper *or internet website* to be the official ~~city-~~
5 ~~newspaper.~~ *publication source for the city.* Once designated, the
6 newspaper *or internet website* shall be the official ~~city newspaper-~~
7 *publication source for the city* until such time as the governing body
8 designates a different newspaper *or internet website*.

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

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

16 (1) Is published at least weekly 50 times a year and has been so
17 published for at least one year prior to the publication of any official city
18 publication;

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

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

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

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

30 (1) *The internet website must not be password protected.*

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

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

34 (d) *The publication of a city legal notice, advertisement, ordinance*
35 *or resolution pursuant to the provisions of this section shall comply with*
36 *any statutory requirement for the official publication as may be required*
37 *by law, including any requirement for the publication in the official city*
38 *newspaper.*

39 (e) The board of county commissioners of each county shall
40 designate by resolution a newspaper *or internet website* to be the official
41 ~~county newspaper.~~ *publication source for the county.* Once designated,
42 the newspaper *or internet website* shall be the official county ~~newspaper~~
43 *publication source for the county* until such time as the board designates a

1 different newspaper or internet website. ~~The newspaper selected for the~~
2 ~~official publications of a county shall be a newspaper which:~~

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

5 (1) Is published at least weekly 50 times each year and has been so
6 published for at least one year prior to the publication of any official
7 county publication;

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

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

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

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

18 *(1) The internet website must not be password protected.*

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

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

22 *(h) The publication of a county legal notice, advertisement,*
23 *ordinance or resolution pursuant to the provisions of this section shall*
24 *comply with any statutory requirement for the official publication as may*
25 *be required by law, including any requirement for the publication in the*
26 *official county newspaper.*

27 ~~(e)—(i)~~ Whenever the board of education of a school district is
28 required to publish a legal notice, advertisement or other publication in a
29 newspaper having general circulation in the school district, such
30 newspaper shall be one which:

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 school
33 district publication;

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

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

39 (4) is published in the school district publishing the official
40 publication. If there is no newspaper published in the school district, the
41 newspaper shall be published in Kansas and shall have general paid
42 circulation in the school district.

43 ~~(d)—(j)~~ Nothing contained in this section shall invalidate the

1 publication in a newspaper which has resumed publication after having
2 suspended publication all or part of the time that the United States has
3 been engaged in war with any foreign nation and six months next
4 following the cessation of hostilities if such newspaper resumes
5 publication in good faith under the same ownership as it had when it
6 suspended publication. Nothing in this section shall invalidate the
7 publication in a newspaper which has simply changed its name or moved
8 its place of publication from one part of the county to another part, or
9 suspended publication on account of fire, flood, strikes, shortages of
10 materials or other unavoidable accidents for not to exceed 10 weeks
11 within the year last preceding the first publication of the legal notice,
12 advertisement or publication. All legal publications heretofore made
13 which otherwise would be valid, that have been made in a newspaper
14 which, on account of flood, fire, strikes, shortages of materials or other
15 unavoidable accident, has suspended publication for a period of not
16 exceeding 10 weeks, are hereby legalized.

17 Sec. 3. K.S.A. 12-1651 and 64-101 are hereby repealed.

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

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