

**HOUSE BILL No. 2237**

By Committee on Local Government

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 section.

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 for as the official publication of*  
14 ~~cities~~ *publication source for a city* 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-class  
20 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 source*  
27 *for a city of the second or third class, the internet website shall have the*  
28 *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 or*  
34 *resolution pursuant to the provisions of this section shall comply with any*  
35 *statutory requirement for the official publication as may be required by*  
36 *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 newspaper~~  
5 *publication source for the city*. Once designated, the newspaper *or internet*  
6 *website* shall be the official ~~city newspaper~~ *publication source for the city*  
7 until such time as the governing body designates a different newspaper *or*  
8 *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 official  
24 publication is located. If there is no newspaper published in the county, the  
25 newspaper shall be published in Kansas and shall have general paid  
26 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; and*

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 or*  
35 *resolution pursuant to the provisions of this section shall comply with any*  
36 *statutory requirement for the official publication as may be required by*  
37 *law, including any requirement for the publication in the official city*  
38 *newspaper.*

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

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

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

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

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

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

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

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

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

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

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

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

42 ~~(d)~~(j) Nothing contained in this section shall invalidate the  
43 publication in a newspaper which has resumed publication after having

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

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

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