

HOUSE BILL No. 2205

By Committee on Energy, Utilities and Telecommunications

2-2

1 AN ACT concerning legal notices; authorizing publication of legal notices
2 on city, county, school district and other internet websites; amending
3 K.S.A. 12-1651 and 64-101 and repealing the existing sections.

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

6 New Section 1. (a) Notwithstanding the provisions of any other law,
7 except as provided for cities, counties and school districts in K.S.A. 12-
8 1651 and 64-101, and amendments thereto, any provision of law that
9 requires any board or entity to provide one or more publications in an
10 official city or county newspaper or a newspaper of general circulation
11 may be fulfilled by publication on a website that has the following
12 qualifications:

13 (1) Such website shall be the official website of the board or entity or
14 a website that has been designated as provided by law by the board or
15 entity to be the official publication source for such board or entity;

16 (2) such website shall be accessible to members of the general public
17 and not password protected;

18 (3) there shall be no fees charged to access the website; and

19 (4) there shall be a prominent link on the homepage of such website
20 titled "legal notices" to a page where all such publications shall be made.

21 (b) A publication made pursuant to this section shall comply with any
22 time and date requirements that are statutorily imposed upon a board or
23 entity as though the publication was made in the official city or county
24 newspaper or the newspaper of general circulation. When publication is
25 made on a website pursuant to this section, such publication shall remain
26 on the website for at least 90 days.

27 Sec. 2. K.S.A. 12-1651 is hereby amended to read as follows: 12-
28 1651. (a) The governing body of each city of the second and third class
29 shall designate by resolution a newspaper *or website* to be the official city
30 ~~newspaper~~ *publication source*. Once designated, the newspaper *or website*
31 shall be the official city ~~newspaper~~ *publication source* until such time as
32 the governing body designates a different newspaper *or website*.

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

36 (1) ~~It must~~ *Such newspaper shall* be published at least weekly 50

1 times each year and have been so published for at least one year prior to
2 the publication of any official city publication.

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

5 (3) More than 50% of the circulation—~~must~~ *shall* be sold to the
6 subscribers either on a daily, weekly, monthly or yearly basis.

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

10 (c) *If a website is selected as the official publication source for a city*
11 *of the second or third class, the website shall have the following*
12 *qualifications:*

13 (1) *Such website shall be the official city government website;*

14 (2) *such website shall be accessible to members of the general public*
15 *and not password protected;*

16 (3) *there shall be no fees charged to access the website; and*

17 (4) *there shall be a prominent link on the homepage of the city's*
18 *website titled "legal notices" to a page where all such publications shall*
19 *be made.*

20 (d) *Notwithstanding any other provision of law, a city of the second*
21 *or third class may satisfy any statutory requirement to provide one or more*
22 *publications in an official city or county newspaper or a newspaper of*
23 *general circulation by causing such publication to be made on a website*
24 *in accordance with this section. Any publication made on a website*
25 *pursuant to this section shall comply with any applicable time and date*
26 *requirements that are statutorily imposed upon a city as though*
27 *publication was made in a newspaper. When publication is made on a*
28 *website pursuant to this section, such publication shall remain on such*
29 *website for at least 90 days.*

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

31 (a) (1) The governing body of each city of the first class shall designate by
32 resolution a newspaper ~~or website~~ to be the official ~~city newspaper~~
33 ~~publication source~~. Once designated, the newspaper ~~or website~~ shall be the
34 official ~~city newspaper~~ ~~publication source~~ until such time as the governing
35 body designates a different newspaper ~~or website~~.

36 ~~No legal notice, advertisement or publication of any kind required or~~
37 ~~provided by any of the laws of the state of Kansas, to be published in a~~
38 ~~newspaper shall have any force or effect unless the same is published in a~~
39 ~~newspaper which:~~

40 (2) *If a newspaper is selected as the official publication source for a*
41 *city of the first class, the newspaper shall have the following*
42 *qualifications:*

43 (A) ~~It~~ *Such newspaper shall* be published at least weekly 50 times

1 a year and ~~has~~ *have* been so published for at least one year prior to the
2 publication of any official city publication;

3 ~~(2)(B)~~ *is such newspaper shall be* entered at the post office as
4 periodical class mail matter;

5 ~~(3)(C)~~ *has such newspaper shall have* general paid circulation on a
6 daily, weekly, monthly or yearly basis in the county in which the city is
7 located and ~~is not be~~ a trade, religious or fraternal publication; and

8 ~~(4)(D)~~ *is such newspaper shall be* published in the county in which
9 the city publishing the official publication is located. If there is no
10 newspaper published in the county, the newspaper shall be published in
11 Kansas and shall have general paid circulation in the county.

12 *(3) If a website is selected as the official publication source for a city*
13 *of the first class, the website shall have the following qualifications:*

14 *(A) Such website shall be the official city government website;*

15 *(B) such website shall be accessible to members of the general public*
16 *and not password protected;*

17 *(C) there shall be no fees charged to access the website; and*

18 *(D) there shall be a prominent link on the homepage of the city's*
19 *website titled "legal notices" to a page where all such publications shall*
20 *be made.*

21 *(4) Notwithstanding any other provision of law, a city of the first*
22 *class may satisfy any statutory requirement to provide one or more*
23 *publications in a newspaper of general circulation by causing such*
24 *publication to be made on a website in accordance with this subsection.*
25 *Any publication made on a website pursuant to this subsection shall*
26 *comply with any applicable time and date requirements that are statutorily*
27 *imposed upon a city as though publication was made in a newspaper of*
28 *general circulation. When publication is made on a website pursuant to*
29 *this subsection, such publication shall remain on such website for at least*
30 *90 days.*

31 *(b) (1) The board of county commissioners of each county shall*
32 *designate by resolution a newspaper or website to be the official ~~county~~*
33 *~~newspaper~~ publication source. Once designated, the newspaper or website*
34 *shall be the official ~~county newspaper~~ publication source until such time*
35 *as the board designates a different newspaper or website. ~~The newspaper~~*
36 *~~selected for the official publications of a county shall be a newspaper~~*
37 *~~which:~~*

38 *(2) If a newspaper is selected as the official publication source for a*
39 *county, the newspaper shall have the following qualifications:*

40 ~~(+)(A)~~ *Is Such newspaper shall be* published at least weekly 50 times
41 each year and has been so published for at least one year prior to the
42 publication of any official county publication;

43 ~~(2)(B)~~ *is such newspaper shall be* entered at the post office in the

1 county of publication as periodical class mail matter, which county shall
2 be located in Kansas;

3 ~~(3)(C) has such newspaper shall have general paid circulation on a~~
4 ~~daily, weekly, monthly or yearly basis in the county and is not be a trade,~~
5 ~~religious or fraternal publication; and~~

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

10 *(3) If a website is selected as the official publication source for a*
11 *county, the website shall have the following qualifications:*

12 *(A) Such website shall be the official county government website;*

13 *(B) such website shall be accessible to members of the general public*
14 *and not password protected;*

15 *(C) there shall be no fees charged to access the website; and*

16 *(D) there shall be a prominent link on the homepage of the county's*
17 *website titled "legal notices" to a page where all such publications shall*
18 *be made.*

19 *(4) Notwithstanding any other provision of law, a county may satisfy*
20 *any statutory requirement to provide one or more publications in an*
21 *official city or county newspaper or a newspaper of general circulation by*
22 *causing such publication to be made on a website in accordance with this*
23 *subsection. Any publication made on a website pursuant to this subsection*
24 *shall comply with any applicable time and date requirements that are*
25 *statutorily imposed upon a county as though publication was made in a*
26 *newspaper of general circulation. When publication is made on a website*
27 *pursuant to this subsection, such publication shall remain on such website*
28 *for at least 90 days.*

29 ~~(c) (1) Whenever the board of education of a school district is~~
30 ~~required to publish a legal notice, advertisement or other publication in a~~
31 ~~newspaper having general circulation in the school district, such~~
32 ~~newspaper shall be one which: The board of education of each school~~
33 ~~district shall designate by resolution a newspaper or website to be the~~
34 ~~official publication source for the school district. Once designated, the~~
35 ~~newspaper or website shall be the official publication source for the~~
36 ~~school district until such time as the board of education of the school~~
37 ~~district designates a different newspaper or website.~~

38 *(2) If a newspaper is selected as the official publication source for a*
39 *school district, the newspaper shall have the following qualifications:*

40 ~~(+)(A) Is~~ *Such newspaper shall be published at least weekly 50 times*
41 *each year and has been so published for at least one year prior to the*
42 *publication of any school district publication;*

43 ~~(2)(B) is such newspaper shall be entered at the post office in the~~

1 school district of publication as periodical class mail matter;

2 ~~(3)(C) has such newspaper shall have~~ general paid circulation on a
3 daily, weekly, monthly or yearly basis in the school district and ~~is not be~~ a
4 trade, religious or fraternal publication; and

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

9 *(3) If a website is selected as the official publication source for a*
10 *school district, the website shall have the following qualifications:*

11 *(A) Such website shall be the official school district website;*

12 *(B) such website shall be accessible to members of the general public*
13 *and not password protected;*

14 *(C) there shall be no fees charged to access the website; and*

15 *(D) there shall be a prominent link on the homepage of the school*
16 *district's website titled "legal notices" to a page where all such*
17 *publications shall be made.*

18 *(4) Notwithstanding any other provision of law, a school district may*
19 *satisfy any statutory requirement to provide one or more publications in a*
20 *newspaper of general circulation by causing such publication to be made*
21 *on a website in accordance with this subsection. Any publication made on*
22 *a website pursuant to this subsection shall comply with any applicable*
23 *time and date requirements that are statutorily imposed upon a school*
24 *district as though publication was made in a newspaper of general*
25 *circulation. When publication is made on a website pursuant to this*
26 *subsection, such publication shall remain on such website for at least 90*
27 *days.*

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

1 Sec. 4. K.S.A. 12-1651 and 64-101 are hereby repealed.

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