

HOUSE BILL No. 2343

By Committee on Agriculture and Natural Resources Budget

2-7

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 repealing the existing section; also repealing K.S.A. 12-1651.

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

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

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

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

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

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

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

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

35 (2) No legal notice, advertisement or publication of any kind *that is*
36 required or provided by any of the laws of the state of Kansas; to be

1 published in a newspaper shall have any force or effect unless ~~the same~~
 2 *such legal notice, advertisement or publication* is published in a
 3 newspaper ~~which~~ or on a website pursuant to section 1, and amendments
 4 thereto.

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

7 ~~(1)(A)~~ *Is* ~~Be~~ published at least weekly 50 times a year and ~~has~~ *have*
 8 been so published for at least one year prior to the publication of any
 9 official city publication;

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

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

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

18 (4) *If a website is selected as the official publication source for a city,*
 19 *the website shall:*

20 (A) *Be accessible to members of the general public and not password*
 21 *protected;*

22 (B) *not charge any fees for members of the general public to access*
 23 *the legal notices, advertisements or publications that are posted on such*
 24 *website; and*

25 (C) *document and display the publication date of each legal notice,*
 26 *advertisement or publication made on the website.*

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

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

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

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

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

1 ~~(4)~~(D) ~~is~~be published in the county publishing the official
 2 publication. If there is no newspaper published in the county, the
 3 newspaper shall be printed in Kansas and have general paid circulation in
 4 the county.

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

7 (A) *Be accessible to members of the general public and not password*
 8 *protected;*

9 (B) *not charge any fees for members of the general public to access*
 10 *the legal notices, advertisements or publications that are posted on such*
 11 *website; and*

12 (C) *document and display the publication date for each legal notice,*
 13 *advertisement or publication made on the website.*

14 (c) (1) ~~Whenever the board of education of a school district is~~
 15 ~~required to publish a legal notice, advertisement or other publication in a~~
 16 ~~newspaper having general circulation in the school district, such~~
 17 ~~newspaper shall be one which:~~*The board of education of each school*
 18 *district shall designate by resolution a newspaper or website to be the*
 19 *official publication source for the school district. Once designated, the*
 20 *newspaper or website shall be the official publication source for the*
 21 *school district until the board designates a different newspaper or website.*

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

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

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

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

32 ~~(4)~~(D) ~~is~~be published in the school district publishing the official
 33 publication. If there is no newspaper published in the school district, the
 34 newspaper shall be published in Kansas and shall have general paid
 35 circulation in the school district.

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

38 (A) *Be accessible to members of the general public and not password*
 39 *protected;*

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

43 (C) *document and display the publication date for each legal notice,*

1 *advertisement or publication made on the website.*

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

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

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