

HOUSE BILL No. 2699

By Committee on Commerce, Labor and Economic Development

Requested by Jason Watkins on behalf of Sedgwick County

2-4

AN ACT concerning legal publications; providing for official publications on a county website for counties with a population of 100,000 or more; amending K.S.A. 64-101 and repealing the existing section.

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

Section 1. K.S.A. 64-101 is hereby amended to read as follows: 64-101. (a) The governing body of each city of the first class shall designate by resolution a newspaper to be the official city newspaper. Once designated, the newspaper shall be the official city newspaper until such time as the governing body designates a different newspaper.

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

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

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

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

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

(b) (1) Except as permitted by paragraph (2), the board of county commissioners of each county shall designate by resolution a newspaper to be the official county newspaper. Once designated the newspaper shall be the official county newspaper until such time as the board designates a different newspaper. The newspaper selected for the official publications of a county shall be a newspaper which:

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

(2) is entered at the post office in the county of publication as

1 periodical class mail matter, which county shall be located in Kansas;

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

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

8 *(2) As an alternative to the provisions of paragraph (1), the board of*
9 *county commissioners of any county with a population of 10,000 or more*
10 *may designate by resolution a website as the official county website. Any*
11 *website so designated shall:*

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

14 *(B) be accessible to members of the public and not password*
15 *protected or behind a paywall;*

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

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

21 (c) Whenever the board of education of a school district is required to
22 publish a legal notice, advertisement or other publication in a newspaper
23 having general circulation in the school district, such newspaper shall be
24 one which:

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

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

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

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

37 (d) Nothing contained in this section shall invalidate the publication
38 in a newspaper which has resumed publication after having suspended
39 publication all or part of the time that the United States has been engaged
40 in war with any foreign nation and six months next following the cessation
41 of hostilities if such newspaper resumes publication in good faith under the
42 same ownership as it had when it suspended publication. Nothing in this
43 section shall invalidate the publication in a newspaper which has simply

1 changed its name or moved its place of publication from one part of the
2 county to another part, or suspended publication on account of fire, flood,
3 strikes, shortages of materials or other unavoidable accidents for not to
4 exceed 10 weeks within the year last preceding the first publication of the
5 legal notice, advertisement or publication. All legal publications heretofore
6 made which otherwise would be valid, that have been made in a
7 newspaper which, on account of flood, fire, strikes, shortages of materials
8 or other unavoidable accident, has suspended publication for a period of
9 not exceeding 10 weeks, are hereby legalized.

10 Sec. 2. K.S.A. 64-101 is hereby repealed.

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