

HOUSE BILL No. 2237

By Committee on Local Government

2-12

1 AN ACT concerning legal publications; authorizing use of websites for
2 legal publications; amending K.S.A. 12-1651 and 64-101 and repealing
3 the existing sections.

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

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

11 (1) Is the official website for the board or entity or has been selected
12 by the board or entity to be the official publication source for such board
13 or entity;

14 (2) is not password protected;

15 (3) is accessible to members of the general public;

16 (4) does not have any fee associated with or charged for accessing the
17 website; and

18 (5) is a specific webpage that is titled "Legal Publications" and is
19 accessible from the homepage of the city, county or school website.

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

25 Sec. 2. K.S.A. 12-1651 is hereby amended to read as follows: 12-
26 1651. (a) The governing body of each city of the second and third class
27 shall designate by resolution a newspaper *or website* to be the official-city
28 newspaper publication source for the city. Once designated, the newspaper
29 *or website* shall be the official-city newspaper publication source for the
30 city until such time as the governing body designates a different newspaper
31 *or website*.

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

35 (1) It must be published at least weekly 50 times each year and have
36 been so published for at least one year prior to the publication of any

1 official city publication.

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

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

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

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

12 (1) *It must not be password protected;*

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

14 (3) *no fee shall be associated with or charged for accessing the
15 website; and*

16 (4) *it must be a specific webpage that is titled "Legal Publications"
17 and is accessible from the homepage of the city.*

18 (d) *Any provision of law that requires a city to provide one or more
19 publications in a newspaper may be fulfilled by publication on an official
20 website. Publication on a website shall comply with any time and date
21 requirements that are statutorily imposed upon a city as though
22 publication was made in a newspaper. When publication is made on an
23 official website, such publication shall remain on the website for at least
24 90 days.*

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

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

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

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

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

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

43 (3) *has general paid circulation on a daily, weekly, monthly or yearly*

1 basis in the county in which the city is located and is not a trade, religious
2 or fraternal publication; and

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

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

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

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

11 (3) *no fee shall be associated with or charged for accessing the*
12 *website; and*

13 (4) *it must be a specific webpage that is titled "Legal Publications"*
14 *and is accessible from the homepage of the city.*

15 (d) *Any provision of law that requires a city to provide one or more*
16 *publications in a newspaper may be fulfilled by publication on an official*
17 *website. Publication on a website shall comply with any time and date*
18 *requirements that are statutorily imposed upon a city as though*
19 *publication was made in a newspaper. When publication is made on an*
20 *official website, such publication shall remain on the website for at least*
21 *90 days.*

22 (e) The board of county commissioners of each county shall designate
23 by resolution a newspaper ~~or website~~ to be the official ~~county newspaper~~
24 ~~publication source for the county.~~ Once designated, the newspaper ~~or~~
25 ~~website~~ shall be the official county ~~newspaper~~ *publication source for the*
26 *county until such time as the board designates a different newspaper or*
27 *website. ~~The newspaper selected for the official publications of a county~~*
28 *~~shall be a newspaper which:~~*

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

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 official*
33 *county publication;*

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

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

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

41 ~~(e) Whenever the board of education of a school district is required to~~
42 ~~publish a legal notice, advertisement or other publication in a newspaper~~
43 ~~having general circulation in the school district, such newspaper shall be~~

1 ~~one which:~~

2 (g) *If a website is selected for the official publication source for a*
3 *county, it shall have the following qualifications:*

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

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

6 (3) *no fee shall be associated with or charged for accessing the*
7 *website; and*

8 (4) *it must be a specific webpage that is titled "Legal Publications"*
9 *and is accessible from the homepage of the county.*

10 (h) *Any provision of law that requires a county to provide one or*
11 *more publications in a newspaper may be fulfilled by publication on an*
12 *official website. Publication on an website shall comply with any time and*
13 *date requirements that are statutorily imposed upon a county as though*
14 *publication was made in a newspaper. When publication is made on an*
15 *official website, such publication shall remain on the website for at least*
16 *90 days.*

17 (i) (1) *The board of education of each school district shall designate*
18 *by resolution a newspaper or website to be the official publication source*
19 *for the school district. Once designated, the newspaper or website shall be*
20 *the official publication source for the school district until such time as the*
21 *board of education of the school district designates a different newspaper*
22 *or website.*

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

25 ~~(+)~~(A) *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 ~~(-)~~(B) *is entered at the post office in the school district of publication*
29 *as periodical class mail matter;*

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

33 ~~(+)~~(D) *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 *(3) If a website is selected for the official publication source for a*
11 *school district, it shall have the following qualifications:*

12 *(A) The website must not be password protected;*

13 *(B) it must be accessible to members of the general public;*

14 *(C) no fee shall be associated with or charged for accessing the*
15 *website; and*

16 *(D) it must be a specific webpage that is titled "Legal Publications"*
17 *and is accessible from the homepage of the school district.*

18 *(4) Any provision of law that requires a school district to provide one*
19 *or more publications in a newspaper may be fulfilled by publication on an*
20 *official website. Publication on a website shall comply with any time and*
21 *date requirements that are statutorily imposed upon a school district as*
22 *though publication was made in a newspaper. When publication is made*
23 *on an official website, such publication shall remain on the website for at*
24 *least 90 days.*

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

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