

SENATE BILL No. 392

By Legislative Educational Planning Committee

2-7

1 AN ACT concerning community colleges; pertaining to using the internet
2 for official publications; amending K.S.A. 64-101 and repealing the
3 existing section.
4

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

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

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

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

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

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

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

26 (b) The board of county commissioners of each county shall
27 designate by resolution a newspaper to be the official county newspaper.
28 Once designated the newspaper shall be the official county newspaper
29 until such time as the board designates a different newspaper. The
30 newspaper selected for the official publications of a county shall be a
31 newspaper which:

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

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

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

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

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

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

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

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

18 (4) is published in the school district publishing the official
19 publication. If there is no newspaper published in the school district, the
20 newspaper shall be published in Kansas and shall have general paid
21 circulation in the school district.

22 *(d) (1) Whenever the board of trustees of a community college is*
23 *required to publish a legal notice, advertisement or other publication in a*
24 *newspaper having general circulation in the county in which such*
25 *community college is located, and there is no official county newspaper*
26 *meeting the requirements of subsection (b), the board of trustees may*
27 *designate by resolution such publication be made by internet website.*
28 *Such publication shall be considered sufficient to meet the statutory*
29 *requirement for publication in a newspaper:*

30 (2) *If an internet website is selected for the official publication source*
31 *for a community college, the internet website shall have the following*
32 *qualifications:*

33 (A) *It must not be password protected.*

34 (B) *It must be accessible to members of the general public.*

35 (C) *No fee shall be associated with or charged for accessing the*
36 *website.*

37 (3) *The publication of a community college legal notice,*
38 *advertisement, ordinance or resolution under the provisions of this*
39 *subsection shall comply with any statutory requirement for the official*
40 *publication as may be required by law, including any requirement for the*
41 *publication in the official community college newspaper.*

42 ~~(d)~~(e) 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. 2. K.S.A. 64-101 is hereby repealed.

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