

## HOUSE BILL No. 2085

By Committee on Local Government

1-28

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AN ACT concerning cities; relating to legal publications; amending K.S.A. 12-1651 and K.S.A. 2002 Supp. 64-101 and repealing the existing sections.

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

Section 1. K.S.A. 12-1651 is hereby amended to read as follows: 12-1651. (a) The governing body of each city of the second and third class shall designate by resolution a newspaper or internet site to be the official city newspaper publication site. Once designated the newspaper or internet site shall be the official city newspaper publication site until such time as the governing body designates a different newspaper site.

(b) ~~The~~ *If a newspaper is selected for the official publications of cities of the second and a city of the second or third class it shall be one which has the following qualifications:*

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

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

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

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

(c) *If an internet site is selected for the official publication site of a city of the second or third class, it shall be one which has the following qualifications:*

(1) *The internet site must not be password protected.*

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

(3) *There must not be a fee associated with accessing the site.*

(d) *The publication of a city legal notice, advertisement, ordinance or resolution pursuant to the provisions of this section shall comply with any statutory requirement for the official publication as may be required by law, including any requirement for the publication in the official city newspaper.*

1 Sec. 2. K.S.A. 2002 Supp. 64-101 is hereby amended to read as fol-  
2 lows: 64-101. (a) The governing body of each city of the first class shall  
3 designate by resolution a newspaper *or internet site* to be the official city  
4 ~~newspaper~~ *publication site*. Once designated, the newspaper *or internet*  
5 *site* shall be the official city ~~newspaper~~ *publication site* until such time as  
6 the governing body designates a different ~~newspaper~~ *site*.

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

11 *(b) If a newspaper is selected for the official publication site of a city*  
12 *of the first class, it shall be one which has the following qualifications:*

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

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

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

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

24 ~~(b)~~ *(c) If an internet site is selected for the official publication site of*  
25 *a city of the first class, it shall be one which has the following*  
26 *qualifications:*

27 (1) *The internet site must not be password protected;*

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

29 (3) *there must not be a fee associated with accessing the site.*

30 *(d) The publication of a city legal notice, advertisement, ordinance or*  
31 *resolution pursuant to the provisions of this section shall comply with any*  
32 *statutory requirement for the official publication as may be required by*  
33 *law, including any requirement for the publication in the official city*  
34 *newspaper.*

35 *(e) The board of county commissioners of each county shall designate*  
36 *by resolution a newspaper or internet site to be the official county news-*  
37 *paper publication site. Once designated the newspaper or internet site*  
38 *shall be the official county newspaper publication site until such time as*  
39 *the board designates a different newspaper. The newspaper selected for*  
40 *the official publications of a county shall be a newspaper which site.*

41 *(f) If a newspaper is selected for the official publication of a county,*  
42 *it shall be one which has the following qualifications:*

43 (1) Is published at least weekly 50 times each year and has been so

1 published for at least one year prior to the publication of any official  
2 county publication;

3 (2) is entered at the post office in the county of publication as peri-  
4 odical class mail matter, which county shall be located in Kansas;

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

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

11 (g) *If an internet site is selected for the official publication site of a*  
12 *county, it shall be one which has the following qualifications:*

13 (1) *The internet site must not be password protected;*

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

15 (3) *there must not be a fee associated with accessing the site.*

16 (h) *The publication of a county legal notice, advertisement or reso-*  
17 *lution pursuant to the provisions of this section shall comply with any*  
18 *statutory requirement for the official publication as may be required by*  
19 *law, including any requirement for the publication in the official county*  
20 *newspaper.*

21 ~~(e)~~ (i) Whenever the board of education of a school district is required  
22 to publish a legal notice, advertisement or other publication in a news-  
23 paper having general circulation in the school district, such newspaper  
24 shall be 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  
29 as 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 pub-  
32 lication; and

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

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

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

10 Sec. 3. K.S.A. 12-1651 and K.S.A. 2002 Supp. 64-101 are hereby  
11 repealed.

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

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