

SENATE BILL No. 405

By Committee on Ways and Means

1-20

9 AN ACT concerning municipalities; concerning official newspapers and
10 official municipality internet web sites; amending K.S.A. 12-1651 and
11 64-101 and repealing the existing sections.
12

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

14 Section 1. K.S.A. 12-1651 is hereby amended to read as follows: 12-
15 1651. (a) The governing body of each city of the second and third class
16 shall designate by resolution a newspaper to be the official city newspaper.
17 Once designated the newspaper shall be the official city newspaper until
18 such time as the governing body designates a different newspaper.

19 (b) The newspaper selected for the official publications of cities of
20 the second and third class shall be one which has the following
21 qualifications:

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

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

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

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

32 (c) *The governing body of each city of the second or third class may*
33 *alternatively designate by resolution the official publication source for the*
34 *city to be the official city internet web site.*

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

36 (a) ~~The governing body of each city of the first class shall designate by~~
37 ~~resolution a newspaper to be the official city newspaper. Once designated,~~
38 ~~the newspaper shall be the official city newspaper until such time as the~~
39 ~~governing body designates a different newspaper.~~ No legal notice, adver-
40 tisement or publication of any kind required or provided by any of the
41 laws of the state of Kansas, to be published in a newspaper shall have any
42 force or effect unless the same is published in a newspaper which *has the*
43 *following qualifications:*

- 1 (1) Is published at least weekly 50 times a year and has been so pub-
2 lished for at least one year prior to the publication of any official ~~city~~
3 publication;
- 4 (2) is entered at the post office as periodical class mail matter;
- 5 (3) has general paid circulation on a daily, weekly, monthly or yearly
6 basis in the county in which the city is located and is not a trade, religious
7 or fraternal publication; and
- 8 (4) is published in the county in which the ~~city~~ *property or the court*
9 *of jurisdiction or government entity* publishing the official publication is
10 located. If there is no newspaper published in the county, the newspaper
11 shall be published in Kansas and shall have general paid circulation in the
12 county.
- 13 ~~(b) The board of county commissioners of each county shall designate~~
14 ~~by resolution a newspaper to be the official county newspaper. Once~~
15 ~~designated the newspaper shall be the official county newspaper until~~
16 ~~such time as the board designates a different newspaper. The newspaper~~
17 ~~selected for the official publications of a county shall be a newspaper~~
18 ~~which:~~
- 19 ~~—(1) Is published at least weekly 50 times each year and has been so~~
20 ~~published for at least one year prior to the publication of any official~~
21 ~~county publication;~~
- 22 ~~—(2) is entered at the post office in the county of publication as peri-~~
23 ~~odical class mail matter, which county shall be located in Kansas;~~
- 24 ~~—(3) has general paid circulation on a daily, weekly, monthly or yearly~~
25 ~~basis in the county and is not a trade, religious or fraternal publication;~~
26 ~~and~~
- 27 ~~—(4) is published in the county publishing the official publication. If~~
28 ~~there is no newspaper published in the county, the newspaper shall be~~
29 ~~printed in Kansas and have general paid circulation in the county.~~
- 30 ~~—(c) Whenever the board of education of a school district is required~~
31 ~~to publish a legal notice, advertisement or other publication in a news-~~
32 ~~paper having general circulation in the school district, such newspaper~~
33 ~~shall be one which:~~
- 34 ~~—(1) Is published at least weekly 50 times each year and has been so~~
35 ~~published for at least one year prior to the publication of any school~~
36 ~~district publication;~~
- 37 ~~—(2) is entered at the post office in the school district of publication~~
38 ~~as periodical class mail matter;~~
- 39 ~~—(3) has general paid circulation on a daily, weekly, monthly or yearly~~
40 ~~basis in the school district and is not a trade, religious or fraternal pub-~~
41 ~~lication; and~~
- 42 ~~—(4) is published in the school district publishing the official publica-~~
43 ~~tion. If there is no newspaper published in the school district, the news-~~

1 paper shall be published in Kansas and shall have general paid circulation
2 in the school district.

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

19 *(b) The provisions of this act requiring publication for at least one*
20 *year prior to the publication of any official publication shall not apply to*
21 *any newspaper which is qualified to publish official publications under*
22 *the provisions of K.S.A. 64-101, and amendments thereto, at the effective*
23 *date of this act. Nothing contained in this act shall invalidate the publi-*
24 *cation in a newspaper which has resumed publication after having sus-*
25 *pended publication all or part of the time that the United States has been*
26 *engaged in war with any foreign nation and six months next following the*
27 *cessation of hostilities if such newspaper resumes publication in good faith*
28 *under the same ownership as it had when it suspended publication. Noth-*
29 *ing in this act shall invalidate the publication in a newspaper which has*
30 *simply changed its name or moved its place of publication from one part*
31 *of the county to another part, or suspended publication on account of fire,*
32 *flood, strikes, shortages of materials or other unavoidable accidents for*
33 *not to exceed 10 weeks within the year last preceding the first publication*
34 *of the legal notice, advertisement or publication. All legal publications*
35 *heretofore made which otherwise would be otherwise valid, that have been*
36 *made in a newspaper which has, on account of flood, fire, strikes, short-*
37 *ages of materials or other unavoidable accident, suspended publication*
38 *for a period of not exceeding 10 weeks, are hereby legalized.*

39 *Nothing in this act shall apply to counties wherein no newspaper has*
40 *been published the requisite length of time.*

41 *(c) The governing body of each city of the first class shall designate*
42 *by resolution a newspaper to be the official city newspaper. Once desig-*
43 *nated, the newspaper shall be the official city newspaper until such time*

1 *as the governing body designates a different newspaper. The governing*
2 *body may alternatively designate by resolution the official publication*
3 *source for the city to be the official city web site and place its notices on*
4 *the official city internet web site.*

5 *(d) The board of county commissioners of each county shall designate*
6 *by resolution a newspaper to be the official county newspaper. Once des-*
7 *ignated, the newspaper shall be the official county newspaper until such*
8 *time as the board designates a different newspaper. The board may al-*
9 *ternatively designate by resolution the official publication source for the*
10 *county to be the official county web site and place its notices on the official*
11 *county internet web site.*

12 *(e) The board of education of each school district shall designate by*
13 *resolution a newspaper to be the official board of education newspaper.*
14 *Once designated, the newspaper shall be the official board of education*
15 *newspaper until such time as the board designates a different newspaper.*
16 *The board may alternatively designate by resolution the official publica-*
17 *tion source for the school district to be the official school district web site*
18 *and place its notices on the official board of education internet web site.*

19 *(f) If an internet web site is selected as the official publication source*
20 *for a city, county or school district, the internet web site shall have the*
21 *following qualifications:*

22 *(1) Such internet web site shall not be password protected;*

23 *(2) such internet web site shall be accessible to members of the general*
24 *public; and*

25 *(3) no fee shall be associated with or charged for access to such in-*
26 *ternet web site.*

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

28 *Sec. 4. This act shall take effect and be in force from and after its*
29 *publication in the statute book.*