

1 AN ACT relating to the publication of local government legal advertisements.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS 424.110 TO 424.370 IS CREATED  
4 TO READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Local government" means any city, county, urban-county government,*  
7 *consolidated local government, charter county, unified local government,*  
8 *special district, special purpose governmental entity, or school district, and*  
9 *includes any agency of a local government; and*

10 *(b) "Notice Web site" means an Internet Web site that is maintained by a local*  
11 *government or a third party under contract with the local government,*  
12 *which contains links to the legal advertisements or notices electronically*  
13 *published by the local government.*

14 *(2) Local governments may satisfy the requirements of this chapter or any other*  
15 *provision of law requiring the publication of an advertisement in a newspaper by*  
16 *following the alternative procedures established in this section.*

17 *(3) In lieu of newspaper publication, a local government may post the required*  
18 *advertisement online on a notice Web site operated by the local government that*  
19 *is accessible to the public at all times in accordance with subsections (4) to (9) of*  
20 *this section. Publication of an advertisement shall be deemed to have occurred on*  
21 *the date the advertisement is posted on the local government's notice Web site.*

22 *(4) In conjunction with an alternative Internet posting, the local government shall*  
23 *publish a newspaper advertisement one (1) time providing notice that the public*  
24 *may view the full advertisement on the notice Web site. The newspaper*  
25 *advertisement shall:*

26 *(a) Be at least three (3) column inches and meet the technical requirements of*  
27 *KRS 424.160(1);*

- 1        (b) Be published within ten (10) days of the alternative posting on the notice  
2        Web site when the purpose of the posting is to inform the public of a  
3        completed act, including those acts specified in KRS 424.130(1)(a), or  
4        within three (3) days of the posting when the purpose of the posting is to  
5        inform the public of the right to take a certain action, including the events  
6        specified in KRS 424.130(1)(b) and (d);
- 7        (c) Inform the public of the subject matter of the alternative posting, inform the  
8        public of its right to inspect any documents associated with the Internet  
9        posting by contacting the local government, and provide a mailing and a  
10       physical address where a copy of the document may be obtained; and
- 11       (d) Provide the full Uniform Resource Locator (URL) of the notice Web site  
12       address where the full advertisement may be accessed and viewed along  
13       with a telephone number for the local government.
- 14       (5) In addition to specific legal requirements applicable to a particular type of  
15       advertisement:
- 16       (a) The contents of each alternative Internet posting shall meet the minimum  
17       requirements of KRS 424.140; and
- 18       (b) The local government shall make the alternative Internet posting in  
19       accordance with the times and periods established by KRS 424.130, and  
20       shall actively maintain the alternative Internet posting on its public Web  
21       site:
- 22       1. Until the deadline passes or the event occurs if the substance of the  
23       advertisement is intended to advise the public of a time to take action  
24       or the occurrence of a future event;
- 25       2. For at least ninety (90) days if the substance of the advertisement is to  
26       inform the public of an action taken by the local government, such as  
27       the enactment of an ordinance; or

- 1           3. For one (1) year or until updated or replaced with a more recent  
2           version if the substance of the advertisement is intended to inform the  
3           public about the financial status of the local government, such as  
4           annual audits or the budget.
- 5   (6) The local government shall display any alternative Internet posting prominently  
6   on its notice Web site, where the public can readily identify and access the  
7   advertisement.
- 8   (7) The local government shall provide a conspicuous statement on its notice Web  
9   site that individuals who have difficulty in accessing the contents of posted  
10   advertisements may contact the local government for information regarding  
11   alternative methods of accessing advertisements, which shall include the  
12   telephone number of the local government.
- 13   (8) As proof of an alternative Internet posting to satisfy any newspaper publication  
14   requirement, the local government shall memorialize the posting by capturing the  
15   posting in electronic or paper format and shall complete an affidavit signed by  
16   the person responsible for causing publications under KRS 424.150, stating that  
17   the local government satisfied the publication requirement by alternative Internet  
18   posting. The affidavit shall specify the active dates of the notice Web site posting,  
19   the specific statutory requirements being satisfied by the alternative Internet  
20   posting, and the notice Web site address where the alternative posting was  
21   located, including the full Uniform Resource Locator (URL) used for the posting.  
22   The local government shall permanently retain the captured posting and the  
23   affidavit by the person responsible for publication. Together, the captured posting  
24   and the affidavit shall constitute prima facie evidence that the posting was made  
25   and occurred as stated within the affidavit.
- 26   (9) The failure to cause the newspaper advertisement required in subsection (4) of  
27   this section shall not void the action of the local government or negate the

1        **enforceability of the matter advertised by alternative Internet posting. Any person**  
 2        **who violates the requirements of subsection (4) of this section shall be subject to**  
 3        **the penalties provided in Section 2 of this Act.**

4        ➔Section 2. KRS 424.990 is amended to read as follows:

5        Any person who violates any provision of KRS 424.110 to 424.370 shall be fined not less  
 6        than fifty dollars (\$50) nor more than five hundred dollars (\$500). In addition, any officer  
 7        who fails to comply with any of the provisions of KRS 424.220, 424.230, 424.240,  
 8        424.250, 424.290, ~~or~~ 424.330, **or subsection (4) of Section 1 of this Act** shall, for each  
 9        such failure, be subject to a forfeiture of not less than fifty dollars (\$50) nor more than  
 10       five hundred dollars (\$500), in the discretion of the court, which may be recovered only  
 11       once, in a civil action brought by any citizen of the **local government**~~[city, county or~~  
 12       ~~district]~~ for which the officer serves. The costs of all proceedings, including a reasonable  
 13       fee for the attorney of the citizen bringing the action, shall be assessed against the  
 14       unsuccessful party.