

1 AN ACT relating to publication.

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

3 ➔Section 1. KRS 424.145 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Local government" means any:

6 1. ~~[Any]~~Urban-county government;

7 2. ~~[Any]~~Consolidated local government;

8 3. ~~[Any]~~Charter county;

9 4. ~~[Any]~~Unified local government;~~[and]~~

10 5. ~~[In any]~~County;

11 6. City~~[containing a population of eighty thousand (80,000) or more based~~  
12 ~~upon the most recent federal decennial census, the county itself or any:~~

13 ~~a. City within the county];~~

14 7.~~[b.] Special district~~~~[within the county];~~

15 8.~~[c.] School district~~~~[within the county];~~ and~~[or]~~

16 9.~~[d.] Special purpose governmental entity~~~~[within the county];~~ and

17 (b) "Notice website" means a website that is maintained by a local government or  
18 a third party under contract with the local government, which contains links to  
19 the legal advertisements or notices electronically published by the local  
20 government.

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

24 (3) In lieu of newspaper publication, a local government may post the required  
25 advertisement online on a notice website operated by the local government that is  
26 accessible to the public at all times in accordance with subsections (4) to (9) of this  
27 section. Publication of an advertisement shall be deemed to have occurred on the

1 date the advertisement is posted on the local government's notice website.

2 (4) (a) In conjunction with an alternative internet posting, the local government shall  
3 publish a newspaper advertisement one (1) time providing notice that the  
4 public may view the full advertisement on the notice website. The newspaper  
5 advertisement shall:

6 1. Be not more than six (6) column inches and meet the technical  
7 requirements of KRS 424.160(1);

8 2. Be submitted by the local government to the newspaper in a timely  
9 manner to ensure publication occurs~~[published]~~ within ten (10) days of  
10 the alternative posting on the notice website when the purpose of the  
11 posting is to inform the public of a completed act, including those acts  
12 specified in KRS 424.130(1)(a), or within three (3) days of the posting  
13 when the purpose of the posting is to inform the public of the right to  
14 take a certain action, including the events specified in KRS  
15 424.130(1)(b) and (d);

16 3. Inform the public of the subject matter of the alternative posting, inform  
17 the public of its right to inspect any documents associated with the  
18 internet posting by contacting the local government, and provide a  
19 mailing and a physical address where a copy of the document may be  
20 obtained and the web address if the document is available online; and

21 4. Provide the full Uniform Resource Locator (URL) of the notice website  
22 address and the full Uniform Resource Locator (URL) of the address  
23 where the full advertisement may be directly viewed along with a  
24 telephone number for the local government.

25 (b) A local government may, alternatively, publish an advertisement one (1) time  
26 providing notice that the public may view the full advertisement on the notice  
27 website in a digital newspaper that meets the qualifications discussed in KRS

1           424.120, so long as the advertisement complies with paragraph (a)2.~~[(a) 2.]~~,  
2           3., and 4. of this subsection.

3 (5) In addition to specific legal requirements applicable to a particular type of  
4 advertisement:

5 (a) The contents of each alternative internet posting shall meet the minimum  
6 requirements of KRS 424.140; and

7 (b) The local government shall make the alternative internet posting in  
8 accordance with the times and periods established by KRS 424.130, and shall  
9 actively maintain the alternative internet posting on its public website:

10           1. Until the deadline passes or the event occurs if the substance of the  
11 advertisement is intended to advise the public of a time to take action or  
12 the occurrence of a future event;

13           2. For at least ninety (90) days if the substance of the advertisement is to  
14 inform the public of an action taken by the local government, such as the  
15 enactment of an ordinance; or

16           3. For one (1) year or until updated or replaced with a more recent version  
17 if the substance of the advertisement is intended to inform the public  
18 about the financial status of the local government, such as annual audits  
19 or the budget.

20 (6) The local government shall display access to any and all alternative internet  
21 postings made pursuant to this section prominently on the homepage or first page of  
22 the notice website. The section of the notice website containing any postings and  
23 the actual advertisement shall be made in a manner where the public can readily and  
24 with minimal effort identify the location of and easily retrieve the advertisements.

25 (7) The local government shall provide a conspicuous statement on its notice website  
26 that individuals who have difficulty in accessing the contents of posted  
27 advertisements may contact the local government for information regarding

1 alternative methods of accessing advertisements, which shall include the telephone  
2 number of the local government.

3 (8) As proof of an alternative internet posting to satisfy any newspaper publication  
4 requirement, the local government shall memorialize the posting by capturing the  
5 posting in electronic or paper format and shall complete an affidavit signed by the  
6 person responsible for causing publications under KRS 424.150, stating that the  
7 local government satisfied the publication requirement by alternative internet  
8 posting. The affidavit shall specify the active dates of the notice website posting,  
9 the specific statutory requirements being satisfied by the alternative internet  
10 posting, and the notice website address where the alternative posting was located,  
11 including the full Uniform Resource Locator (URL) used for the posting. The local  
12 government shall retain the captured posting and the affidavit by the person  
13 responsible for publication for a period of three (3) years. Together, the captured  
14 posting and the affidavit shall constitute prima facie evidence that the posting was  
15 made and occurred as stated within the affidavit.

16 (9) The failure to cause the newspaper advertisement required in subsection (4) of this  
17 section shall not void the action of the local government or negate the enforceability  
18 of the matter advertised by alternative internet posting. Any person who violates the  
19 requirements of subsection (4) of this section shall be subject to the penalties  
20 provided in KRS 424.990.