

1           AN ACT relating to public notices.

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

3           ➔Section 1. KRS 424.260 is amended to read as follows:

4    (1) Except where a statute specifically fixes a larger sum as the minimum for a  
5        requirement of advertisement for bids, ~~a[no]~~ city, county, or district, or board or  
6        commission of a city or county, or sheriff or county clerk, shall not~~[may]~~ make a  
7        contract, lease, or other agreement for:

8        (a) Materials;

9        (b) Supplies, except perishable foods such as meat, poultry, fish, egg products,  
10        fresh vegetables, and fresh fruits;

11        (c) Equipment, except vehicles and equipment installed in the vehicle; or

12        (d) Contractual services other than professional;

13        involving an expenditure of more than sixty thousand dollars (\$60,000)~~forty~~  
14        ~~thousand dollars (\$40,000)~~ without first making newspaper advertisement or by  
15        using the alternative publication procedures set out in Section 2 of this Act for  
16        bids. This subsection shall not apply to the transfer of property between  
17        governmental agencies as authorized in KRS 82.083(4)(a).

18    (2) If the fiscal court requires that the sheriff or county clerk advertise for bids on  
19        expenditures of less than sixty thousand dollars (\$60,000)~~forty thousand dollars~~  
20        ~~(\$40,000)~~, the fiscal court requirement shall prevail.

21    (3) (a) Nothing in this statute shall limit or restrict the ability of a local school district  
22        to acquire supplies and equipment outside of the bidding procedure if those  
23        supplies and equipment meet the specifications of the contracts awarded by  
24        the Office of Material and Procurement Services in the Office of the  
25        Controller within the Finance and Administration Cabinet or a federal, local,  
26        or cooperative agency and are available for purchase elsewhere at a lower  
27        price. A board of education may purchase those supplies and equipment

1 without advertising for bids if, prior to making the purchases, the board of  
2 education obtains certification from the district's finance or purchasing officer  
3 that the items to be purchased meet the standards and specifications fixed by  
4 state price contract, federal (GSA) price contract, or the bid of another school  
5 district whose bid specifications allow other districts to utilize their bids, and  
6 that the sales price is lower than that established by the various price contract  
7 agreements or available through the bid of another school district whose bid  
8 specifications would allow the district to utilize their bid.

9 (b) The procedures set forth in paragraph (a) of this subsection shall not be  
10 available to the district for any specific item once the bidding procedure has  
11 been initiated by an invitation to bid and a publication of specifications for  
12 that specific item has been published. In the event that all bids are rejected,  
13 the district may again avail itself of the provisions of paragraph (a) of this  
14 subsection.

15 (4) This requirement shall not apply in an emergency if the chief executive officer of  
16 the city, county, or district has duly certified that an emergency exists, and has filed  
17 a copy of the certificate with the chief financial officer of the city, county, or  
18 district, or if the sheriff or the county clerk has certified that an emergency exists,  
19 and has filed a copy of the certificate with the clerk of the court where his necessary  
20 office expenses are fixed pursuant to KRS 64.345 or 64.530, or if the  
21 superintendent of the board of education has duly certified that an emergency  
22 exists, and has filed a copy of the certificate with the chief state school officer.

23 (5) The provisions of subsection (1) of this section shall not apply for the purchase of  
24 wholesale electric power for resale to the ultimate customers of a municipal utility  
25 organized under KRS 96.550 to 96.900.

26 (6) Subsection (1) of this section shall not apply to purchases for products or services  
27 made pursuant to KRS 82.084.

1            ➔Section 2. KRS 424.145 is amended to read as follows:

2    (1) As used in this section:

3        (a) "Local government" means any:

4            1. [Any]Urban-county government;

5            2. [Any]Consolidated local government;

6            3. [Any]Charter county;

7            4. [Any]Unified local government;[ and]

8            5. [~~In Any~~]County;[~~containing a population of eighty thousand (80,000)~~  
~~or more based upon the most recent federal decennial census, the county~~  
~~itself or any.~~]

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11        6.[a.] City[~~within the county~~];

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

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

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

15        (b) "Notice website" means a website that is maintained by a local government or

16            a third party under contract with the local government, which contains links to

17            the legal advertisements or notices electronically published by the local

18            government.

19    (2) Local governments may satisfy the requirements of this chapter or any other

20            provision of law requiring the publication of an advertisement in a newspaper by

21            following the alternative procedures established in this section.

22    (3) In lieu of newspaper publication, a local government may post the required

23            advertisement online on a notice website operated by the local government that is

24            accessible to the public at all times in accordance with subsections (4) to (9) of this

25            section. Publication of an advertisement shall be deemed to have occurred on the

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

27    (4) (a) In conjunction with an alternative internet posting, the local government shall

1 publish a newspaper advertisement one (1) time providing notice that the  
2 public may view the full advertisement on the notice website. The newspaper  
3 advertisement shall:

- 4 1. Be not more than six (6) column inches and meet the technical  
5 requirements of KRS 424.160(1);
- 6 2. Be published within ten (10) days of the alternative posting on the notice  
7 website when the purpose of the posting is to inform the public of a  
8 completed act, including those acts specified in KRS 424.130(1)(a), or  
9 within three (3) days of the posting when the purpose of the posting is to  
10 inform the public of the right to take a certain action, including the  
11 events specified in KRS 424.130(1)(b) and (d);
- 12 3. Inform the public of the subject matter of the alternative posting, inform  
13 the public of its right to inspect any documents associated with the  
14 internet posting by contacting the local government, and provide a  
15 mailing and a physical address where a copy of the document may be  
16 obtained and the web address if the document is available online; and
- 17 4. Provide the full Uniform Resource Locator (URL) of the notice website  
18 address and the full Uniform Resource Locator (URL) of the address  
19 where the full advertisement may be directly viewed along with a  
20 telephone number for the local government.

21 (b) A local government may, alternatively, publish an advertisement one (1) time  
22 providing notice that the public may view the full advertisement on the notice  
23 website in a digital newspaper that meets the qualifications discussed in KRS  
24 424.120, so long as the advertisement complies with paragraph (a)2.,[(a)2.,  
25 3., and 4. of this subsection.

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

- 1       (a) The contents of each alternative internet posting shall meet the minimum  
2                    requirements of KRS 424.140; and
- 3       (b) The local government shall make the alternative internet posting in  
4                    accordance with the times and periods established by KRS 424.130, and shall  
5                    actively maintain the alternative internet posting on its public website:
  - 6           1. Until the deadline passes or the event occurs if the substance of the  
7                    advertisement is intended to advise the public of a time to take action or  
8                    the occurrence of a future event;
  - 9           2. For at least ninety (90) days if the substance of the advertisement is to  
10                   inform the public of an action taken by the local government, such as the  
11                   enactment of an ordinance; or
  - 12           3. For one (1) year or until updated or replaced with a more recent version  
13                   if the substance of the advertisement is intended to inform the public  
14                   about the financial status of the local government, such as annual audits  
15                   or the budget.
- 16      (6) The local government shall display access to any and all alternative internet  
17                   postings made pursuant to this section prominently on the homepage or first page of  
18                   the notice website. The section of the notice website containing any postings and  
19                   the actual advertisement shall be made in a manner where the public can readily and  
20                   with minimal effort identify the location of and easily retrieve the advertisements.
- 21      (7) The local government shall provide a conspicuous statement on its notice website  
22                   that individuals who have difficulty in accessing the contents of posted  
23                   advertisements may contact the local government for information regarding  
24                   alternative methods of accessing advertisements, which shall include the telephone  
25                   number of the local government.
- 26      (8) As proof of an alternative internet posting to satisfy any newspaper publication  
27                   requirement, the local government shall memorialize the posting by capturing the

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

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