

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]; or~~

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

17 (b) "Notice website~~[Web site]~~" means an Internet website~~[Web site]~~ that is
18 maintained by a local government or a third party under contract with the local
19 government, which contains links to the legal advertisements or notices
20 electronically published by the local 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~~[Web site]~~ operated by the local
26 government that is accessible to the public at all times in accordance with
27 subsections (4) to (9) of this section. Publication of an advertisement shall be

1 deemed to have occurred on the date the advertisement is posted on the local
2 government's notice website~~[Web site.]~~

3 (4) In conjunction with an alternative Internet posting, the local government shall
4 publish a newspaper advertisement one (1) time providing notice that the public
5 may view the full advertisement on the notice website~~[Web site.]~~. The newspaper
6 advertisement shall:

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

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

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

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

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

27 (a) The contents of each alternative Internet posting shall meet the minimum

- 1 requirements of KRS 424.140; and
- 2 (b) The local government shall make the alternative Internet posting in
3 accordance with the times and periods established by KRS 424.130, and shall
4 actively maintain the alternative Internet posting on its public website~~[Web~~
5 ~~site]~~:
- 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~~[Web site]~~. The section of the notice website~~[Web site]~~ containing
19 any postings and the actual advertisement shall be made in a manner where the
20 public can readily and with minimal effort identify the location of and easily
21 retrieve the advertisements.
- 22 (7) The local government shall provide a conspicuous statement on its notice
23 website~~[Web site]~~ that individuals who have difficulty in accessing the contents of
24 posted advertisements may contact the local government for information regarding
25 alternative methods of accessing advertisements, which shall include the telephone
26 number of the local government.
- 27 (8) As proof of an alternative Internet posting to satisfy any newspaper publication

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

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