

1 AN ACT relating to publication procedures for local entities.

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 *a city, county, charter county government,*  
 6 *urban-county government, consolidated local government, unified local*  
 7 *government, special district, school district, or special purpose*  
 8 *governmental entity*[-:

9 1.—~~Any urban-county government;~~

10 2.—~~Any consolidated local government;~~

11 3.—~~Any charter county;~~

12 4.—~~Any unified local government; and~~

13 5.—~~In any county containing a population of eighty thousand (80,000) or~~  
 14 ~~more based upon the most recent federal decennial census, the county~~  
 15 ~~itself or any:~~

16 a.—~~City within the county;~~

17 b.—~~Special district within the county;~~

18 c.—~~School district within the county; or~~

19 d.—~~Special purpose governmental entity within the county]; and~~

20 (b) "Notice Web site" means an Internet Web site that is maintained by a local  
 21 government or a third party under contract with the local government, which  
 22 contains links to the legal advertisements or notices electronically published  
 23 by the local government.

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

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

1 advertisement online on a notice Web site operated by the local government that is  
2 accessible to the public at all times in accordance with subsections (4) to (9) of this  
3 section. Publication of an advertisement shall be deemed to have occurred on the  
4 date the advertisement is posted on the local government's notice Web site.

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

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

11 (b) Be published within ten (10) days of the alternative posting on the notice Web  
12 site when the purpose of the posting is to inform the public of a completed act,  
13 including those acts specified in KRS 424.130(1)(a), or within three (3) days  
14 of the posting when the purpose of the posting is to inform the public of the  
15 right to take a certain action, including the events specified in KRS  
16 424.130(1)(b) and (d);

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

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

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 Web 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 Web site. The section of the notice Web site 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 Web site  
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 Web site posting,  
5 the specific statutory requirements being satisfied by the alternative Internet posting,  
6 and the notice Web site address where the alternative posting was located, including  
7 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.