

FILED JAN 26 2000

SENATE FILE 2051

BY MADDOX and SZYMONIAK

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act authorizing alternative means of publication of city
2 notices, hearings, and other official actions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2051

LOCAL GOVERNMENT

1 Section 1. Section 362.3, subsection 2, Code 1999, is
2 amended to read as follows:

3 2. A Except as provided in section 618.19, a publication
4 required by the city code must be in a newspaper published at
5 least once weekly and having general circulation in the city.
6 However, if the city has a population of ~~two~~ seven hundred or
7 less, or in the case of ordinances and amendments to be
8 published in a city in which no newspaper is published, a
9 publication may be made by posting in three public places in
10 the city which have been permanently designated by ordinance.

11 In the case of notices of elections, a city with a
12 population of ~~two~~ seven hundred or less meets the publication
13 requirement of this section by posting notices of elections in
14 three public places which have been designated by ordinance.

15 Sec. 2. Section 372.13, subsection 6, Code 1999, is
16 amended to read as follows:

17 6. Within Except as provided in section 618.19, within
18 fifteen days following a regular or special meeting of the
19 council, the clerk shall cause the minutes of the proceedings
20 of the council, including the total expenditure from each city
21 fund, to be published in a newspaper of general circulation in
22 the city. The publication shall include a list of all claims
23 allowed and a summary of all receipts and shall show the gross
24 amount of the claim. Matters discussed in closed session
25 pursuant to section 21.3 shall not be published until entered
26 on the public minutes. However, in cities having more than
27 one hundred fifty thousand population the council shall each
28 month print in pamphlet form a detailed itemized statement of
29 all receipts and disbursements of the city, and a summary of
30 its proceedings during the preceding month, and furnish copies
31 to the city library, the daily newspapers of the city, and to
32 persons who apply at the office of the city clerk, and the
33 pamphlet shall constitute publication as required. Failure by
34 the clerk to make publication is a simple misdemeanor. The
35 provisions of this subsection are applicable in cities in

1 which a newspaper is published, or in cities with a population
2 of two over seven hundred population-or-over, but in all other
3 cities, posting the statement in three public places in the
4 city which have been permanently designated by ordinance is
5 sufficient compliance with this subsection.

6 Sec. 3. Section 384.16, subsection 3, Code 1999, is
7 amended to read as follows:

8 3. The Except as provided in section 618.19, the council
9 shall set a time and place for public hearing on the budget
10 before the final certification date and shall publish notice
11 of the hearing not less than ten nor more than twenty days
12 before the hearing in a newspaper published at least once
13 weekly and having general circulation in the city. However,
14 if the city has a population of two seven hundred or less,
15 publication may be made by posting in three public places in
16 the city. A summary of the proposed budget shall be included
17 in the notice. Proof of publication must be filed with the
18 county auditor. The department of management shall prescribe
19 the form for the public hearing notice for use by cities.

20 Sec. 4. NEW SECTION. 618.19 ALTERNATIVE MEANS OF CITY
21 PUBLICATION.

22 In lieu of publishing city notices, actions, and
23 information in newspapers, a city may disseminate its notices,
24 actions, and information using electronic means, such as the
25 internet or public access television, or using a city
26 newsletter, if the electronic means or city newsletter has
27 been designated as a means of official publication by
28 ordinance.

29 EXPLANATION

30 This bill authorizes a city to disseminate its official
31 notices, actions, and other public information by means other
32 than an official newspaper. A city may designate, by
33 ordinance, the use of electronic means such as the internet or
34 public access television, or a city newsletter as a means of
35 official publication.

1 The bill also increases the maximum population of a city
2 which may use posting as a means of official notification or
3 publication from 200 to 700.

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SENATE FILE 2051

S-5010

1 Amend Senate File 2051 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 24.9, unnumbered paragraph 2,
5 Code 1999, is amended to read as follows:

6 For any other municipality such publication shall
7 be in a newspaper published therein, if any, if not,
8 then in a newspaper of general circulation therein.

9 However, in lieu of newspaper publication, a school
10 district operated pursuant to chapter 279 may
11 disseminate the budget estimates to the public by
12 electronic means or a newsletter if the electronic
13 means or newsletter is designated as a means of
14 official publication as provided in section 279.36.

15 Sec. ____ . Section 73A.2, Code 1999, is amended to
16 read as follows:

17 73A.2 NOTICE OF HEARING.

18 Before any municipality shall enter into any
19 contract for any public improvement to cost twenty-
20 five thousand dollars or more, the governing body
21 proposing to make the contract shall adopt proposed
22 plans and specifications and proposed form of
23 contract, fix a time and place for hearing at the
24 municipality affected or other nearby convenient
25 place, and give notice by publication in at least one
26 newspaper of general circulation in the municipality
27 at least ten days before the hearing. In lieu of
28 newspaper publication, a school district operated
29 pursuant to chapter 279 may disseminate its notice
30 under this section using electronic means, such as the
31 internet or public access television, or using a
32 school district newsletter, if the electronic means or
33 newsletter has been designated as a means of official
34 publication by rule of the board of directors.

35 Sec. ____ . Section 279.36, unnumbered paragraph 1,
36 Code 1999, is amended to read as follows:

37 The requirements of section 279.35 are satisfied by
38 publication in at least one newspaper published in the
39 district or, if there is none, in at least one
40 newspaper having general circulation within the
41 district. However, in lieu of newspaper publication,
42 a school district may disseminate its notices,
43 actions, proceedings, schedule of bills, and
44 information using electronic means, such as the
45 internet or public access television, or using a
46 district newsletter, if the electronic means, or
47 newsletter has been designated as a means of official
48 publication by rule of the board of directors."

49 2. Title page, line 1, by inserting after the
50 word "city" the following: "or school district".

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1 3. By renumbering as necessary.

By O. GENE MADDOX

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