

Senate File 546

S-3169

1 Amend Senate File 546 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <Section 1. Section 75.2, Code 2023, is amended to read as  
5 follows:

6 **75.2 Notice of sale.**

7 When public bonds are offered for sale, the official in  
8 charge of the bond issue shall, ~~by advertisement published~~  
9 ~~at least once, the last one of which shall be not less than~~  
10 ~~four nor more than twenty days before the sale in a newspaper~~  
11 ~~located in the county or a county contiguous to the place of~~  
12 ~~sale, give notice of the time and place of sale of the bonds,~~  
13 ~~the amount to be offered for sale, and any further information~~  
14 ~~which the official deems pertinent~~ by publishing the time and  
15 place of sale of the bonds, the amount to be offered for sale,  
16 and any additional information the official deems pertinent  
17 to the bond issue not less than four nor more than twenty  
18 days before the sale in at least one electronic or written  
19 publication with nationwide circulation that is recognized for  
20 providing information regarding the sale of public bonds or in  
21 a newspaper located in the county or a county contiguous to the  
22 place of sale.

23 Sec. 2. Section 273.3, subsection 12, Code 2023, is amended  
24 to read as follows:

25 12. Prepare an annual budget estimating income and  
26 expenditures for programs and services as provided in sections  
27 273.1, 273.2, this section, sections 273.4 through 273.8, and  
28 chapter 256B within the limits of funds provided under section  
29 256B.9 and chapter 257. The board shall post notice of a  
30 public hearing on the proposed budget on the area education  
31 agency's internet site ~~and by publication in the newspaper of~~  
32 ~~general circulation in the territory of the area education~~  
33 ~~agency in which the principal place of business of a school~~  
34 ~~district that is a part of the area education agency is located~~  
35 or in the manner prescribed in section 279.36. The notice

1 shall specify the date, which shall be not later than March  
2 1 of each year, the time, and the location of the public  
3 hearing. The proposed budget as approved by the board shall  
4 then be submitted to the state board of education, on forms  
5 provided by the department, no later than March 15 preceding  
6 the next fiscal year for approval. The state board shall  
7 review the proposed budget of each area education agency and  
8 shall before May 1, either grant approval or return the budget  
9 without approval with comments of the state board included. An  
10 unapproved budget shall be resubmitted to the state board for  
11 final approval not later than May 15. The state board shall  
12 give final approval only to budgets submitted by area education  
13 agencies accredited by the state board or that have been given  
14 conditional accreditation by the state board.

15 Sec. 3. Section 279.6, subsection 1, paragraph a, Code 2023,  
16 is amended to read as follows:

17 a. Except as provided in paragraph "b" and [subsection 2](#),  
18 vacancies occurring among the officers or members of a school  
19 board shall be filled by the board by appointment. A person  
20 so appointed to fill a vacancy in an elective office shall  
21 hold office until a successor is elected and qualified at the  
22 next regular school election, unless there is an intervening  
23 special election for the school district, in which event a  
24 successor shall be elected at the intervening special election,  
25 in accordance with [section 69.12](#). To fill a vacancy occurring  
26 among the members of a school board, the board shall publish  
27 notice either on the board's internet site or in the manner  
28 prescribed by [section 279.36](#), stating that the board intends to  
29 fill the vacancy by appointment but that the electors of the  
30 school district have the right to file a petition requiring  
31 that the vacancy be filled by a special election conducted  
32 pursuant to [section 279.7](#). The board may publish notice in  
33 advance if a member of the board submits a resignation to take  
34 effect at a future date. The board may make an appointment to  
35 fill the vacancy after the notice is published or after the

1 vacancy occurs, whichever is later.

2 Sec. 4. Section 279.6, subsection 1, paragraph b,  
3 subparagraphs (1) and (2), Code 2023, are amended to read as  
4 follows:

5 (1) If within fourteen days after ~~publication of a~~ providing  
6 notice required pursuant to paragraph "a" for a vacancy that  
7 occurs more than one hundred eighty days before the next  
8 regular school election, or after the filing period closes  
9 pursuant to section 277.4, subsection 1, for the next regular  
10 school election, there is filed with the secretary of the  
11 school board a petition requesting a special election to fill  
12 the vacancy, an appointment to fill the vacancy is temporary  
13 until a successor is elected and qualified, and the board shall  
14 call a special election pursuant to section 279.7, to fill the  
15 vacancy for the remaining balance of the unexpired term.

16 (2) If within fourteen days after ~~publication of a~~ providing  
17 notice required pursuant to paragraph "a" for a vacancy that  
18 occurs one hundred eighty days or less but more than forty days  
19 before the next regular school election there is filed with the  
20 secretary of the school board a petition requesting to fill  
21 the vacancy by election, an appointment to fill the vacancy is  
22 temporary until a successor is elected and qualified, and the  
23 school board shall require that the remaining balance of the  
24 unexpired term be filled at the next regular school election.

25 Sec. 5. Section 618.1, Code 2023, is amended to read as  
26 follows:

27 **618.1 ~~Publications in English~~ Publication requirements.**

28 1. All notices, proceedings, and other matter whatsoever,  
29 required by law or ordinance to be published in a newspaper,  
30 shall be published only in the English language and in official  
31 newspapers published primarily in the English language.

32 2. a. All publications made in an official newspaper at the  
33 rates contained in section 618.11 shall also be posted by the  
34 official newspaper to the official newspaper's internet site  
35 within forty-eight hours of receipt from the public posting

1 entity, independent of the publication schedule of the official  
2 newspaper's printed version and not subject to any paywall or  
3 subscription.

4 b. A public posting entity's statutory notice requirement  
5 is satisfied as soon as a statutorily required public notice  
6 is posted pursuant to this subsection regardless of whether  
7 the statutorily required public notice has been printed in the  
8 official newspaper's printed version.

9 3. If no official newspaper exists in a public posting  
10 entity's jurisdiction, the public posting entity satisfies the  
11 requirements of this chapter by posting a statutorily required  
12 public notice to the public posting entity's official internet  
13 site or the relevant county's official internet site, and as  
14 provided in section 4.

15 4. A public posting entity shall also post a physical  
16 copy of a required public notice on a bulletin board or other  
17 prominent place which is easily accessible to the public and  
18 clearly designated for that purpose at the principal office of  
19 the public posting entity, or if no such office exists, at the  
20 building in which a meeting is to be held, if applicable.

21 5. An official newspaper shall cross reference and  
22 publicize between the official newspaper's printed version and  
23 the official newspaper's internet site.

24 6. A print-only newspaper shall cross reference and  
25 publicize between the print-only newspaper's official  
26 newspaper's printed version and the consolidated official  
27 newspaper internet site for statutorily required public notices  
28 utilized to satisfy section 618.3(6).

29 7. Nothing in this chapter modifies the duty of a public  
30 posting entity to make public use copies of required notices  
31 available to the public as otherwise required by law.

32 8. Nothing in this chapter modifies a public posting  
33 entity's requirement to keep a record of statutorily required  
34 public postings if another section requires such records to be  
35 kept.

1     Sec. 6. NEW SECTION.   618.1A   Definitions.

2     For the purposes of this chapter, unless the context  
3 otherwise requires:

4     1.   "*Consolidated official newspaper internet site for*  
5 *statutorily required public notices*" means an internet site  
6 owned and operated by an entity the membership of which  
7 is solely comprised of official newspapers meeting the  
8 requirements of section 618.3 and which provides access to  
9 statutorily required public notices not subject to any paywall  
10 or subscription and which additionally functions such that  
11 members of the public may search for specific statutorily  
12 required public notices and may subscribe to receive  
13 notifications when a specific public posting entity posts a  
14 statutorily required public notice.

15     2.   "*Cross reference and publicize*" means providing  
16 sufficient information such that a reasonable person would  
17 know that the same information is contained in two or more  
18 locations.

19     3.   "*Official internet site*" means the internet site used  
20 by a public posting entity to conduct or communicate official  
21 business and information.

22     4.   "*Official newspaper*" means a newspaper meeting the  
23 requirements of section 618.3.

24     5.   "*Official newspaper's internet site*" means an internet  
25 site owned and operated by an official newspaper to publish an  
26 electronic version of the official newspaper.

27     6.   "*Official newspaper's printed version*" means the physical  
28 version of an official newspaper.

29     7.   "*Paywall*" or "*subscription*" means a fee charged by an  
30 official newspaper to members of the public to receive or  
31 access printed or electronic publications of the official  
32 newspaper.

33     8.   "*Print-only newspaper*" means a newspaper that does not  
34 own or operate an official newspaper internet site to publish  
35 the newspaper's printed version.

1 9. "Publication schedule" means the time of and interval  
2 between the publication of an official newspaper's printed  
3 version.

4 10. "Public posting entity" means the state of Iowa, a  
5 county, a city, a public school district, a private agency as  
6 defined in section 28E.2, a public agency as defined in section  
7 28E.2, or any other public entity who is required by law or  
8 ordinance to post a public notice.

9 11. "Statutorily required public notice" means a notice  
10 required by the Iowa Code to be made available to members of  
11 the public.

12 Sec. 7. Section 618.3, subsection 3, Code 2023, is amended  
13 to read as follows:

14 3. Devotes at least ~~twenty-five~~ forty percent of its total  
15 column space in more than one-half of its issues during any  
16 twelve-month period to information of a public character other  
17 than advertising.

18 Sec. 8. Section 618.3, Code 2023, is amended by adding the  
19 following new subsections:

20 NEW SUBSECTION. 5. Has an official newspaper's internet  
21 site that provides public access to statutorily required public  
22 notices that are to be published in the official newspaper's  
23 printed version independent of the publication schedule of  
24 the official newspaper's printed version and not subject to  
25 a paywall or subscription. A print-only newspaper is exempt  
26 from the requirements of this subsection provided that the  
27 print-only newspaper posts statutorily required public notices  
28 received from public posting entities to a consolidated  
29 official newspaper internet site for statutorily required  
30 public notices.

31 Sec. 9. EFFECTIVE DATE. This Act takes effect January 1,  
32 2025.>

33 2. Title page, line 2, by striking <providing for fees,>

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CHRIS COURNOYER