

Her Fiscal Note 3/12/87 Do Pass 4/2 (p. 1118)

Senate File 265

Local Government: Spear, Chair: Diemer and Peters.

FILED FEB 25 1987

SENATE FILE 265
BY COMMITTEE ON LOCAL GOVERNMENT
(formerly SSB 39)
Approved 2/25 (p. 481)

Passed Senate, Date 3-9-87 (p. 588) Passed House, Date 4-13-87 (p. 1272)
Vote: Ayes 44 Nays 0 Vote: Ayes 92 Nays 1
Approved April 27, 1987 (p. 1541)

A BILL FOR

1 An Act relating to the publication of notices of public hearings,
2 bond sales, adopted regulations, and elections.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 265

1 Section 1. Section 75.2, Code 1987, is amended to read as
2 follows:

3 75.2 NOTICE OF SALE.

4 When public bonds are offered for sale, the official or
5 officials in charge of the bond issue shall, by advertisement
6 published at least ~~twice-at-unspecified-intervals~~ once, the
7 last one of which shall be not less than four nor more than
8 twenty days before the sale in a newspaper located in the
9 county or a county contiguous to the place of sale, give
10 notice of the time and place of sale of the bonds, the amount
11 to be offered for sale, and any further information which the
12 official ~~or-officials-deem~~ deems pertinent.

13 Sec. 2. Section 103A.12, unnumbered paragraph 2, Code
14 1987, is amended to read as follows:

15 A governmental subdivision in which the state building code
16 is applicable may by resolution or ordinance, at any time
17 after one year has elapsed since the code became applicable,
18 withdraw from the application of the code, if before the
19 resolution or ordinance ~~shall-be~~ is voted upon, the local
20 governing body ~~shall-hold~~ holds a public hearing after giving
21 not less than ~~twenty~~ four nor more than ~~thirty~~ twenty days'
22 public notice, together with written notice to the
23 commissioner of the time, place, and purpose of the hearing.
24 A certified copy of the vote of the local governing body shall
25 be transmitted within ten days after the vote is taken to the
26 commissioner and to the secretary of state for filing. The
27 resolution or ordinance shall become effective at a time to be
28 specified ~~therein~~ in it, which shall be not less than one
29 hundred eighty days after the date of adoption. Upon the
30 effective date of the resolution or ordinance, the state
31 building code shall cease to apply to the governmental
32 subdivision except that construction of any building or
33 structure pursuant to a permit previously issued shall not be
34 affected by the withdrawal.

Sec. 3. Section 11.45, Code 1987, is amended to read as

1 follows:

2 111A.5 REGULATIONS -- OFFICERS.

3 The county conservation board may make, alter, amend or
4 repeal regulations for the protection, regulation and control
5 of all museums, parks, preserves, parkways, playgrounds,
6 recreation centers, and other property under its control. The
7 regulations shall not be contrary to, or inconsistent with,
8 the laws of this state. The regulations shall not take effect
9 until ten days after their adoption by the board and after
10 their publication ~~once-a-week-for-two-weeks-in-at-least-one~~
11 paper-circulating-in-the-county as provided in section 331.305
12 and after a copy of the regulations has been posted near each
13 gate or principal entrance to the public ground to which they
14 apply. After the publication and posting, a person violating
15 a provision of the regulations which are then in effect is
16 guilty of a simple misdemeanor. The board may designate the
17 director and those employees as the director may designate as
18 police officers who shall have all the powers conferred by law
19 on police officers, peace officers, or sheriffs in the
20 enforcement of the laws of this state and the apprehension of
21 violators.

22 Sec. 4. Section 137.6, subsection 2, paragraph d, Code
23 1987, is amended to read as follows:

24 d. However, before approving any rule or regulation the
25 local board of health shall hold a public hearing on the
26 proposed rule. Any citizen may appear and be heard at the
27 public hearing. A notice of the public hearing, stating the
28 time and place and the general nature of the proposed rule or
29 regulation, shall be published ~~at-least-ten-days-before-the~~
30 hearing-in-a-newspaper-of-general-circulation as provided in
31 section 331.305 in the area served by the board.

32 Sec. 5. Section 176A.8, subsection 4, Code 1987, is
33 amended to read as follows:

34 4. To and shall fix the date, time and place in each of
35 the townships of the extension district for the holding of

1 township election meetings during the period provided for the
2 holding of them for the election of members of the extension
3 council, and call the township election meetings in each of
4 the townships of the extension district for the election of
5 the members of the extension council and cause notice of said
6 the election to be published ~~once-at-least-one-week-but-not~~
7 ~~more-than-three-weeks~~ as provided in section 331.305 prior to
8 the date fixed for the holding of ~~such~~ the meetings in a
9 newspaper having general circulation in each extension
10 district, and the cost of publishing ~~said~~ the notice shall be
11 paid by the extension council. The township election meeting
12 to elect a member of the extension council from the township
13 may, by designation of the extension council, be held in
14 another township of that county, ~~provided that.~~ However, the
15 extension council ~~may~~ shall not designate that over four ~~such~~
16 of those township elections may be combined into one election.
17 All the provisions of this chapter referring to township
18 election meetings in the townships shall apply equally to the
19 election meetings held at ~~such~~ the other place in the county.

20 Sec. 6. Section 306.6, subsection 1, paragraph c, Code
21 1987, is amended to read as follows:

22 c. File a copy of the proposed road classification in the
23 office of county engineer for public information and hold a
24 public hearing before final approval of any a road
25 classification action. Notice of the date, the time, and the
26 place of ~~such~~ the hearing, and the filing of ~~such~~ the proposed
27 road classification for public information shall be published
28 in an official newspaper in general circulation throughout the
29 affected area ~~at-least-twenty-days-prior-to-the-established~~
30 ~~date-of-the-hearing~~ as provided in section 331.305.

31 Sec. 7. Section 306.30, unnumbered paragraph 2, Code 1987,
32 is amended to read as follows:

33 Owners and mortgagees of record who do not reside in the
34 county and owners and mortgagees of record who do reside in
35 the county when the officer returns that they cannot be found

1 in the county, shall be served by publishing the notice in one
2 ~~of the official newspapers of the county, once each week for~~
3 ~~two weeks~~, as provided in section 331.305 and also by mailing
4 by certified mail a copy of ~~such~~ the notice to ~~such~~ the owner
5 and mortgagee of record addressed to the owner's and mortgagee
6 of record's last known address, and the county auditor shall
7 furnish to the board of supervisors the county auditor's
8 affidavit that ~~such~~ the notice has been sent, which affidavit
9 shall be conclusive evidence of the mailing of ~~such~~ the
10 notice.

11 Sec. 8. Section 311.12, Code 1987, is amended to read as
12 follows:

13 311.12 PUBLICATION OF NOTICE.

14 The notice shall be published ~~once each week for two~~
15 ~~successive weeks in some newspaper published as provided in~~
16 section 331.305 in the county as near as practicable to the
17 district. ~~The last publication shall be not less than five~~
18 ~~days previous to the hearing.~~ Proof of the publication shall
19 be made by the publisher by affidavit filed with the county
20 engineer.

21 Sec. 9. Section 357C.3, Code 1987, is amended to read as
22 follows:

23 357C.3 TIME OF HEARING.

24 ~~Such~~ The public hearing shall be held within thirty days of
25 the presentation of the petition. Notice of hearing shall be
26 given by publication ~~in two successive issues of any paper of~~
27 ~~general circulation within the district as provided in section~~
28 331.305. ~~The last publication shall be not less than one week~~
29 ~~before the proposed hearing.~~

30 Sec. 10. Section 358.4, subsection 1, unnumbered paragraph
31 1, Code 1987, is amended to read as follows:

32 The board of supervisors to which the petition is
33 addressed, at its next meeting, shall set the time and place
34 for a hearing on the petition. The board shall direct the
35 county auditor in whose office the petition is filed to cause

1 notice to be given to all persons whom it may concern, without
2 naming them, of the pendency and content of the petition, by
3 publication of a notice ~~once-each-week-for-two-consecutive~~
4 ~~weeks-in-a-newspaper-of-general-circulation-published-in-the~~
5 ~~county-in-which-the-proposed-district-is-located,-the-last-of~~
6 ~~which-publications-shall-not-be-less-than-twenty-days-prior-to~~
7 ~~the-date-set-for-the-hearing-of-the-petition~~ as provided in
8 section 331.305. Proof of giving the notice shall be made by
9 affidavit of the publisher and the proof shall be on file with
10 the county auditor at the time the hearing begins. The notice
11 of hearing shall be directed to all persons it may concern,
12 and shall state:

13 Sec. 11. Section 358.33, Code 1987, is amended to read as
14 follows:

15 358.33 HEARING ON PETITION.

16 ~~It-shall-be-the-duty-of-the~~ The board of supervisors to
17 whom the petition is addressed, at its next regular meeting to
18 shall set the time and place when it shall meet for a hearing
19 on the petition, and it shall direct the county auditor in
20 whose office the petition is filed to cause notice to be given
21 to all persons whom it may concern, without naming them, of
22 the pendency and request of the petition for the conveyance
23 and discontinuance by publication of a notice ~~once-each-week~~
24 ~~for-two-consecutive-weeks-in-a-newspaper-of-general~~
25 ~~circulation-in-the-sanitary-district,-the-last-of-the~~
26 ~~publications-to-be-not-less-than-twenty-days-prior-to-the-date~~
27 ~~set-for-hearing-on-the-petition~~ as provided in section
28 331.305. Proof of giving notice shall be made by affidavit of
29 the publisher and shall be filed with the county auditor at
30 the time the hearing begins.

31 Sec. 12. Section 358A.6, Code 1987, is amended to read as
32 follows:

33 358A.6 PUBLIC HEARINGS.

34 The board of supervisors shall provide for the manner in
35 which ~~even~~ the regulations and restrictions and the boundaries

1 of ~~such~~ the districts shall be determined, established, and
2 enforced, and from time to time amended, supplemented or
3 changed. However, ~~no-such~~ the regulation, restriction, or
4 boundary shall not become effective until after a public
5 hearing ~~in-relation-thereto~~, at which parties in interest and
6 citizens shall have an opportunity to be heard. ~~At-least~~
7 ~~fifteen-days~~ notice Notice of the time and place of ~~such~~ the
8 hearing shall be published ~~in-a-paper-of-general-circulation~~
9 ~~in-such-county~~ as provided in section 331.305. ~~Such~~ The
10 notice shall state the location of the district affected by
11 naming the township and section, and the boundaries of ~~such~~
12 the district shall be expressed in terms of streets or roads
13 wherever if possible.

14 Sec. 13. Section 359.7, Code 1987, is amended to read as
15 follows:

16 359.7 NOTICE.

17 Notice of the time when ~~such~~ the petition will be heard
18 shall be given by ~~posting-in-five-public-places-in-the~~
19 ~~township, two-of-which-shall-be-without, and-three-within-such~~
20 ~~corporate-limits, at-least-ten-days-prior-to-such~~ publication
21 as provided in section 331.305 before the hearing.

22 Sec. 14. Section 455.21, Code 1987, is amended to read as
23 follows:

24 455.21 SERVICE BY PUBLICATION --COPY MAILED -- PROOF.

25 The notice provided in section 455.20 shall be served,
26 ~~except-as-otherwise-hereinafter-provided,~~ by publication
27 ~~thereof-once-in-some-newspaper-of-general-circulation~~
28 ~~published-in-the-county, which-publication-shall-be-not-less~~
29 ~~than-twenty-days-prior-to-the-day-set-for~~ as provided in
30 section 331.305 before the hearing. Proof of ~~such~~ the service
31 shall be made by affidavit of the publisher. Copy of ~~such~~ the
32 notice shall also be sent by ordinary mail to each person and
33 to the clerk or recorder of each city named ~~therein~~ in the
34 notice at that person's last known mailing address unless
35 there is on file an affidavit of the auditor, or of a person

1 designated by the board to make the necessary investigation,
2 stating that no mailing address is known and that diligent
3 inquiry has been made to ascertain it. ~~Such~~ The copy of
4 notice shall be mailed not less than twenty days before the
5 day set for hearing and proof of ~~such~~ the service shall be by
6 affidavit of the auditor. Proofs of service required by this
7 section shall be on file at the time the hearing begins.

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EXPLANATION

9 This bill provides uniform requirements for the publication
10 of notices of public hearings, bond sales, adopted
11 regulations, and elections by the county, county agencies, and
12 other political subdivisions. The publication provisions in
13 section 331.305 require the notice to be published at least
14 once, not less than four nor more than twenty days before the
15 date of the hearing, election, or other official action, in
16 one or more newspapers which meet the requirements of section
17 618.14. Section 618.14 requires that the newspapers used for
18 the publication are published in or have a general circulation
19 in the political subdivision where the notice pertains at the
20 appropriate commercial or legal rate. The public agencies or
21 political subdivisions affected by this bill include cities,
22 boards of supervisors, county engineers, county conservation
23 boards, local boards of health, county agricultural extension
24 councils, benefited street lighting districts, sanitary
25 districts, townships, and drainage districts.

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SSB # 39
Local Govt

SENATE FILE _____
BY (PROPOSED COMMITTEE ON LOCAL
GOVERNMENT BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the publication of notices of public hearings,
2 bond sales, adopted regulations, and elections.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SUB COMMITTEE ASSIGNMENTS
CHAIR: *Inaise*
COMMITTEE: *Local Gov.*
1-21-87

1 Section 1. Section 75.2, Code 1987, is amended to read as
2 follows:

3 75.2 NOTICE OF SALE.

4 When public bonds are offered for sale, the official ~~or~~
5 ~~officials~~ in charge of the bond issue shall, by advertisement
6 published at least ~~twice-at-unspecified-intervals~~ once the
7 last one of which shall be not less than four nor more than
8 twenty days before the sale in a newspaper located in the
9 county or a county contiguous to the place of sale, give
10 notice of the time and place of sale of the bonds, the amount
11 to be offered for sale, and any further information which the
12 official ~~or-officials~~ deem pertinent.

13 Sec. 2. Section 103A.12, unnumbered paragraph 2, Code
14 1987, is amended to read as follows:

15 A governmental subdivision in which the state building code
16 is applicable may by resolution or ordinance, at any time
17 after one year has elapsed since the code became applicable,
18 withdraw from the application of the code, if before the
19 resolution or ordinance ~~shall-be~~ is voted upon, the local
20 governing body ~~shall-hold~~ holds a public hearing after giving
21 not less than ~~twenty~~ four nor more than ~~thirty~~ twenty days'
22 public notice, together with written notice to the
23 commissioner of the time, place, and purpose of the hearing.
24 A certified copy of the vote of the local governing body shall
25 be transmitted within ten days after the vote is taken to the
26 commissioner and to the secretary of state for filing. The
27 resolution or ordinance shall become effective at a time to be
28 specified ~~therein~~ in it, which shall be not less than one
29 hundred eighty days after the date of adoption. Upon the
30 effective date of the resolution or ordinance, the state
31 building code shall cease to apply to the governmental
32 subdivision except that construction of any building or
33 structure pursuant to a permit previously issued shall not be
34 affected by the withdrawal.

35 Sec. 3. Section 111A.5, Code 1987, is amended to read as

1 follows:

2 111A.5 REGULATIONS -- OFFICERS.

3 The county conservation board may make, alter, amend or
4 repeal regulations for the protection, regulation and control
5 of all museums, parks, preserves, parkways, playgrounds,
6 recreation centers, and other property under its control. The
7 regulations shall not be contrary to, or inconsistent with,
8 the laws of this state. The regulations shall not take effect
9 until ten days after their adoption by the board and after
10 their publication ~~once-a-week-for-two-weeks-in-at-least-one~~
11 paper-circulating-in-the-county as provided in section 331.305
12 and after a copy of the regulations has been posted near each
13 gate or principal entrance to the public ground to which they
14 apply. After the publication and posting, a person violating
15 a provision of the regulations which are then in effect is
16 guilty of a simple misdemeanor. The board may designate the
17 director and those employees as the director may designate as
18 police officers who shall have all the powers conferred by law
19 on police officers, peace officers, or sheriffs in the
20 enforcement of the laws of this state and the apprehension of
21 violators.

22 Sec. 4. Section 137.6, subsection 2, paragraph d, Code
23 1987, is amended to read as follows:

24 d. However, before approving any rule or regulation the
25 local board of health shall hold a public hearing on the
26 proposed rule. Any citizen may appear and be heard at the
27 public hearing. A notice of the public hearing, stating the
28 time and place and the general nature of the proposed rule or
29 regulation, shall be published ~~at-least-ten-days-before-the~~
30 hearing-in-a-newspaper-of-general-circulation as provided in
31 section 331.305 in the area served by the board.

32 Sec. 5. Section 176A.8, subsection 4, Code 1987, is
33 amended to read as follows:

34 4. To and shall fix the date, time and place in each of
35 the townships of the extension district for the holding of

1 township election meetings during the period provided for the
2 holding of them for the election of members of the extension
3 council, and call the township election meetings in each of
4 the townships of the extension district for the election of
5 the members of the extension council and cause notice of ~~said~~
6 the election to be published ~~once-at-least-one-week-but-not~~
7 ~~more-than-three-weeks~~ as provided in section 331.305 prior to
8 the date fixed for the holding of ~~such~~ the meetings in a
9 newspaper having general circulation in each extension
10 district, and the cost of publishing ~~said~~ the notice shall be
11 paid by the extension council. The township election meeting
12 to elect a member of the extension council from the township
13 may, by designation of the extension council, be held in
14 another township of that county, ~~provided-that~~ . However, the
15 extension council ~~may~~ shall not designate that over four ~~such~~
16 of those township elections may be combined into one election.
17 All the provisions of this chapter referring to township
18 election meetings in the townships shall apply equally to the
19 election meetings held at ~~such~~ the other place in the county.

20 Sec. 6. Section 306.6, subsection 1, paragraph c, Code
21 1987, is amended to read as follows:

22 c. File a copy of the proposed road classification in the
23 office of county engineer for public information and hold a
24 public hearing before final approval of ~~any~~ a road
25 classification action. Notice of the date, the time, and the
26 place of ~~such~~ the hearing, and the filing of ~~such~~ the proposed
27 road classification for public information shall be published
28 in an official newspaper in general circulation throughout the
29 affected area ~~at-least-twenty-days-prior-to-the-established~~
30 ~~date-of-the-hearing~~ as provided in section 331.305.

31 Sec. 7. Section 306.30, unnumbered paragraph 2, Code 1987,
32 is amended to read as follows:

33 Owners and mortgagees of record who do not reside in the
34 county and owners and mortgagees of record who do reside in
35 the county when the officer returns that they cannot be found

1 in the county, shall be served by publishing the notice ~~in one~~
2 ~~of the official newspapers of the county, once each week for~~
3 ~~two weeks, as provided in section 331.305~~ and also by mailing
4 by certified mail a copy of ~~such~~ the notice to ~~such~~ the owner
5 and mortgagee of record addressed to the owner's and mortgagee
6 of record's last known address, and the county auditor shall
7 furnish to the board of supervisors the county auditor's
8 affidavit that ~~such~~ the notice has been sent, which affidavit
9 shall be conclusive evidence of the mailing of ~~such~~ the
10 notice.

11 Sec. 8. Section 311.12, Code 1987, is amended to read as
12 follows:

13 311.12 PUBLICATION OF NOTICE.

14 The notice shall be published ~~once each week for two~~
15 ~~successive weeks in some newspaper published as provided in~~
16 section 331.305 in the county as near as practicable to the
17 district. ~~The last publication shall be not less than five~~
18 ~~days previous to the hearing.~~ Proof of the publication shall
19 be made by the publisher by affidavit filed with the county
20 engineer.

21 Sec. 9. Section 357C.3, Code 1987, is amended to read as
22 follows:

23 357C.3 TIME OF HEARING.

24 ~~Such~~ The public hearing shall be held within thirty days of
25 the presentation of the petition. Notice of hearing shall be
26 given by publication ~~in two successive issues of any paper of~~
27 ~~general circulation within the district~~ as provided in section
28 331.305. ~~The last publication shall be not less than one week~~
29 ~~before the proposed hearing.~~

30 Sec. 10. Section 358.4, subsection 1, unnumbered paragraph
31 1, Code 1987, is amended to read as follows:

32 The board of supervisors to which the petition is
33 addressed, at its next meeting, shall set the time and place
34 for a hearing on the petition. The board shall direct the
35 county auditor in whose office the petition is filed to cause

1 notice to be given to all persons whom it may concern, without
2 naming them, of the pendency and content of the petition, by
3 publication of a notice ~~once-each-week-for-two-consecutive~~
4 ~~weeks-in-a-newspaper-of-general-circulation-published-in-the~~
5 ~~county-in-which-the-proposed-district-is-located,-the-last-of~~
6 ~~which-publications-shall-not-be-less-than-twenty-days-prior-to~~
7 ~~the-date-set-for-the-hearing-of-the-petition~~ as provided in
8 section 331.305. Proof of giving the notice shall be made by
9 affidavit of the publisher and the proof shall be on file with
10 the county auditor at the time the hearing begins. The notice
11 of hearing shall be directed to all persons it may concern,
12 and shall state:

13 Sec. 11. Section 358.33, Code 1987, is amended to read as
14 follows:

15 358.33 HEARING ON PETITION.

16 ~~It shall be the duty of the~~ The board of supervisors to
17 whom the petition is addressed, at its next regular meeting to
18 shall set the time and place when it shall meet for a hearing
19 on the petition, and it shall direct the county auditor in
20 whose office the petition is filed to cause notice to be given
21 to all persons whom it may concern, without naming them, of
22 the pendency and request of the petition for the conveyance
23 and discontinuance by publication of a notice ~~once-each-week~~
24 ~~for-two-consecutive-weeks-in-a-newspaper-of-general~~
25 ~~circulation-in-the-sanitary-district,-the-last-of-the~~
26 ~~publications-to-be-not-less-than-twenty-days-prior-to-the-date~~
27 ~~set-for-hearing-on-the-petition~~ as provided in section
28 331.305. Proof of giving notice shall be made by affidavit of
29 the publisher and shall be filed with the county auditor at
30 the time the hearing begins.

31 Sec. 12. Section 358A.6, Code 1987, is amended to read as
32 follows:

33 358A.6 PUBLIC HEARINGS.

34 The board of supervisors shall provide for the manner in
35 which such the regulations and restrictions and the boundaries

1 of ~~such~~ the districts shall be determined, established, and
2 enforced, and from time to time amended, supplemented or
3 changed. However, ~~no-such~~ the regulation, restriction, or
4 boundary shall not become effective until after a public
5 hearing ~~in-relation-thereto~~, at which parties in interest and
6 citizens shall have an opportunity to be heard. ~~At-least~~
7 ~~fifteen-days-notice~~ Notice of the time and place of ~~such~~ the
8 hearing shall be published ~~in-a-paper-of-general-circulation~~
9 ~~in-such-county~~ as provided in section 331.305. ~~Such~~ The
10 notice shall state the location of the district affected by
11 naming the township and section, and the boundaries of ~~such~~
12 the district shall be expressed in terms of streets or roads
13 ~~wherever~~ if possible.

14 Sec. 13. Section 359.7, Code 1987, is amended to read as
15 follows:

16 359.7 NOTICE.

17 Notice of the time when ~~such~~ the petition will be heard
18 shall be given by ~~posting-in-five-public-places-in-the~~
19 ~~township,-two-of-which-shall-be-without,-and-three-within-such~~
20 ~~corporate-limits,-at-least-ten-days-prior-to-such~~ publication
21 as provided in section 331.305 before the hearing.

22 Sec. 14. Section 455.21, Code 1987, is amended to read as
23 follows:

24 455.21 SERVICE BY PUBLICATION --COPY MAILED -- PROOF.

25 The notice provided in section 455.20 shall be served,
26 ~~except-as-otherwise-hereinafter-provided,~~ by publication
27 ~~thereof-once-in-some-newspaper-of-general-circulation~~
28 ~~published-in-the-county,-which-publication-shall-be-not-less~~
29 ~~than-twenty-days-prior-to-the-day-set-for~~ as provided in
30 section 331.305 before the hearing. Proof of ~~such~~ the service
31 shall be made by affidavit of the publisher. Copy of ~~such~~ the
32 notice shall also be sent by ordinary mail to each person and
33 to the clerk or recorder of each city named ~~therein~~ in the
34 notice at that person's last known mailing address unless
35 there is on file an affidavit of the auditor, or of a person

1 designated by the board to make the necessary investigation,
2 stating that no mailing address is known and that diligent
3 inquiry has been made to ascertain it. Such The copy of
4 notice shall be mailed not less than twenty days before the
5 day set for hearing and proof of such the service shall be by
6 affidavit of the auditor. Proofs of service required by this
7 section shall be on file at the time the hearing begins.

8 EXPLANATION

9 This bill provides uniform requirements for the publication
10 of notices of public hearings, bond sales, adopted
11 regulations, and elections by the county, county agencies, and
12 other political subdivisions. The publication provisions in
13 section 331.305 require the notice to be published at least
14 once, not less than four nor more than twenty days before the
15 date of the hearing, election, or other official action, in
16 one or more newspapers which meet the requirements of section
17 618.14. Section 618.14 requires that the newspapers used for
18 the publication are published in or have a general circulation
19 in the political subdivision where the notice pertains at the
20 appropriate commercial or legal rate. The public agencies or
21 political subdivisions affected by this bill include cities,
22 boards of supervisors, county engineers, county conservation
23 boards, local boards of health, county agricultural extension
24 councils, benefited street lighting districts, sanitary
25 districts, townships, and drainage districts.

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SENATE FILE 265

AN ACT

RELATING TO THE PUBLICATION OF NOTICES OF PUBLIC HEARINGS,
BOND SALES, ADOPTED REGULATIONS, AND ELECTIONS.

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

Section 1. Section 75.2, Code 1987, is amended to read as follows:

75.2 NOTICE OF SALE.

When public bonds are offered for sale, the official or officials in charge of the bond issue shall, by advertisement published at least ~~twice-at-unspecified-intervals~~ once, the ~~last one of which shall be not less than four nor more than~~ last one of which shall be not less than four nor more than twenty days before the sale in a newspaper located in the county or a county contiguous to the place of sale, give notice of the time and place of sale of the bonds, the amount to be offered for sale, and any further information which the ~~official or officials-deem~~ deems pertinent.

Sec. 2. Section 103A.12, unnumbered paragraph 2, Code 1987, is amended to read as follows:

A governmental subdivision in which the state building code is applicable may by resolution or ordinance, at any time after one year has elapsed since the code became applicable, withdraw from the application of the code, if before the resolution or ordinance ~~shall-be~~ is voted upon, the local governing body ~~shall-hold~~ holds a public hearing after giving not less than ~~twenty~~ four nor more than ~~thirty~~ twenty days' public notice, together with written notice to the commissioner of the time, place, and purpose of the hearing. A certified copy of the vote of the local governing body shall be transmitted within ten days after the vote is taken to the commissioner and to the secretary of state for filing. The resolution or ordinance shall become effective at a time to be

specified therein in it, which shall be not less than one hundred eighty days after the date of adoption. Upon the effective date of the resolution or ordinance, the state building code shall cease to apply to the governmental subdivision except that construction of any building or structure pursuant to a permit previously issued shall not be affected by the withdrawal.

Sec. 3. Section 111A.5, Code 1987, is amended to read as follows:

111A.5 REGULATIONS -- OFFICERS.

The county conservation board may make, alter, amend or repeal regulations for the protection, regulation and control of all museums, parks, preserves, parkways, playgrounds, recreation centers, and other property under its control. The regulations shall not be contrary to, or inconsistent with, the laws of this state. The regulations shall not take effect until ten days after their adoption by the board and after their publication ~~once-a-week-for-two-weeks-in-at-least-one~~ paper-circulating-in-the-county as provided in section 331.305 and after a copy of the regulations has been posted near each gate or principal entrance to the public ground to which they apply. After the publication and posting, a person violating a provision of the regulations which are then in effect is guilty of a simple misdemeanor. The board may designate the director and those employees as the director may designate as police officers who shall have all the powers conferred by law on police officers, peace officers, or sheriffs in the enforcement of the laws of this state and the apprehension of violators.

Sec. 4. Section 137.6, subsection 2, paragraph 6, Code 1987, is amended to read as follows:

d. However, before approving any rule or regulation the local board of health shall hold a public hearing on the proposed rule. Any citizen may appear and be heard at the public hearing. A notice of the public hearing, stating the time and place and the general nature of the proposed rule or

regulation, shall be published ~~at least ten days before the hearing in a newspaper of general circulation as provided in section 331.305~~ in the area served by the board.

Sec. 5. Section 176A.8, subsection 4, Code 1987, is amended to read as follows:

4. To and shall fix the date, time and place in each of the townships of the extension district for the holding of township election meetings during the period provided for the holding of them for the election of members of the extension council, and call the township election meetings in each of the townships of the extension district for the election of the members of the extension council and cause notice of ~~the election to be published once at least one week but not more than three weeks as provided in section 331.305~~ prior to the date fixed for the holding of ~~such the~~ meetings in a newspaper having general circulation in each extension district, and the cost of publishing ~~said the~~ notice shall be paid by the extension council. The township election meeting to elect a member of the extension council from the township may, by designation of the extension council, be held in another township of that county; ~~provided that. However,~~ the extension council may ~~shall~~ not designate that over four ~~such of those~~ township elections may be combined into one election. All the provisions of this chapter referring to township election meetings in the townships shall apply equally to the election meetings held at ~~such the~~ other place in the county.

Sec. 6. Section 306.6, subsection 1, paragraph c, Code 1987, is amended to read as follows:

c. File a copy of the proposed road classification in the office of county engineer for public information and hold a public hearing before final approval of any a road classification action. Notice of the date, the time, and the place of ~~such the~~ hearing, and the filing of ~~such the~~ proposed road classification for public information shall be published in an official newspaper in general circulation throughout the affected area ~~at least twenty days prior to the established date of the hearing as provided in section 331.305.~~

Sec. 7. Section 306.30, unnumbered paragraph 2, Code 1987, is amended to read as follows:

Owners and mortgagees of record who do not reside in the county and owners and mortgagees of record who do reside in the county when the officer returns that they cannot be found in the county, shall be served by publishing the notice ~~in one of the official newspapers of the county, once each week for two weeks, as provided in section 331.305~~ and also by mailing by certified mail a copy of ~~the~~ notice to ~~such the~~ owner and mortgagee of record addressed to the owner's and mortgagee of record's last known address, and the county auditor shall furnish to the board of supervisors the county auditor's affidavit that ~~such the~~ notice has been sent, which affidavit shall be conclusive evidence of the mailing of ~~such the~~ notice.

Sec. 8. Section 311.12, Code 1987, is amended to read as follows:

311.12 PUBLICATION OF NOTICE.

The notice shall be published ~~once each week for two successive weeks in some newspaper published as provided in section 331.305~~ in the county as near as practicable to the district. ~~The last publication shall be not less than five days previous to the hearing.~~ Proof of the publication shall be made by the publisher by affidavit filed with the county engineer.

Sec. 9. Section 357C.3, Code 1987, is amended to read as follows:

357C.3 TIME OF HEARING.

~~Such the~~ public hearing shall be held within thirty days of the presentation of the petition. Notice of hearing shall be given by publication ~~in two successive issues of any paper of general circulation within the district as provided in section 331.305.~~ ~~The last publication shall be not less than one week before the proposed hearing.~~

Sec. 10. Section 358.4, subsection 1, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The board of supervisors to which the petition is addressed, at its next meeting, shall set the time and place for a hearing on the petition. The board shall direct the county auditor in whose office the petition is filed to cause notice to be given to all persons whom it may concern, without naming them, of the pendency and content of the petition, by publication of a notice ~~once each week for two consecutive weeks in a newspaper of general circulation published in the county in which the proposed district is located, the last of which publications shall not be less than twenty days prior to the date set for the hearing of the petition as provided in~~ section 331.305. Proof of giving the notice shall be made by affidavit of the publisher and the proof shall be on file with the county auditor at the time the hearing begins. The notice of hearing shall be directed to all persons it may concern, and shall state:

Sec. 11. Section 358.33, Code 1987, is amended to read as follows:

358.33 HEARING ON PETITION.

~~It shall be the duty of the~~ The board of supervisors to whom the petition is addressed, at its next regular meeting to shall set the time and place when it shall meet for a hearing on the petition, and it shall direct the county auditor in whose office the petition is filed to cause notice to be given to all persons whom it may concern, without naming them, of the pendency and request of the petition for the conveyance and discontinuance by publication of a notice ~~once each week for two consecutive weeks in a newspaper of general circulation in the sanitary district, the last of the~~ publications to be not less than twenty days prior to the date set for hearing on the petition as provided in section 331.305. Proof of giving notice shall be made by affidavit of the publisher and shall be filed with the county auditor at the time the hearing begins.

Sec. 12. Section 358A.6, Code 1987, is amended to read as follows:

358A.6 PUBLIC HEARINGS.

The board of supervisors shall provide for the manner in which such the regulations and restrictions and the boundaries of such the districts shall be determined, established, and enforced, and from time to time amended, supplemented or changed. However, ~~no such~~ the regulation, restriction, or boundary shall not become effective until after a public hearing ~~in relation thereto~~, at which parties in interest and citizens shall have an opportunity to be heard. ~~At least fifteen days' notice~~ Notice of the time and place of such the hearing shall be published ~~in a paper of general circulation in such county as provided in section 331.305~~. Such The notice shall state the location of the district affected by naming the township and section, and the boundaries of such the district shall be expressed in terms of streets or roads wherever if possible.

Sec. 13. Section 359.7, Code 1987, is amended to read as follows:

359.7 NOTICE.

Notice of the time when such the petition will be heard shall be given by posting ~~in five public places in the township, two of which shall be without, and three within such corporate limits, at least ten days prior to such~~ publication as provided in section 331.305 before the hearing.

Sec. 14. Section 455.21, Code 1987, is amended to read as follows:

455.21 SERVICE BY PUBLICATION -- COPY MAILED -- PROOF.

The notice provided in section 455.20 shall be served, ~~except as otherwise hereinafter provided, by publication thereof once in some newspaper of general circulation published in the county, which publication shall be not less than twenty days prior to the day set for~~ as provided in section 331.305 before the hearing. Proof of such the service shall be made by affidavit of the publisher. Copy of such the notice shall also be sent by ordinary mail to each person and to the clerk or recorder of each city named therein in the notice at that person's last known mailing address unless

there is on file an affidavit of the auditor, or of a person designated by the board to make the necessary investigation, stating that no mailing address is known and that diligent inquiry has been made to ascertain it. Such The copy of notice shall be mailed not less than twenty days before the day set for hearing and proof of such the service shall be by affidavit of the auditor. Proofs of service required by this section shall be on file at the time the hearing begins.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 265, Seventy-second General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 27, 1987

TERRY E. BRANSTAD
Governor