

Jan Local Govt.
OO pass 4-6-89 (p. 1243)

MAR 22 1989

Place On Calendar

HOUSE FILE 728

BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 342)

Passed House, Date 3-30-89 (p. 1139) Passed Senate, Date 4-21-89 (p. 1600)
Vote: Ayes 80 Nays 17 Vote: Ayes 46 Nays 1

Approved May 23 1989

Repassed the Senate motion to Reconsider
5-2-89 (p. 1800) A BILL FOR
APR 5 49 NAYS 1 motion prevailed
4-21-89 (p. 1607)
5-2-89 (p. 1819)

1 An Act relating to official publications by amending rates for
2 county publication of board proceedings, by reducing the
3 specific information required in county care facility
4 inventory publications, by permitting division of the
5 delinquent tax list for publication, by establishing a minimum
6 type size, by reducing publication fees when publication is
7 not timely made, and by eliminating the requirement for
8 publication of notice of textbook purchase.

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

~~Per Conference Committee Report~~

Passed House
5/5/89 (p. 2529)
94-5

Repassed by Senate 5-5-89 (p. 1986)
Ayes 45 Nays 0

HF 728

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1 Section 1. Section 253.3, Code 1989, is amended to read as
2 follows:

3 253.3 ANNUAL PUBLISHED REPORT.

4 The board of supervisors, prior to September 1 of each
5 year, shall publish in the official papers of the county as
6 part of its proceedings, a financial statement of the receipts
7 of the county care facility, or county farm, itemizing them
8 and stating their source, which report shall also set forth
9 the total expenditures and the value of the property on hand
10 on July 1 of the year for which the report is made and a
11 comparison with the inventory of the previous year. The
12 inventory need not specifically account by item for individual
13 items of personal property valued at less than one hundred
14 dollars.

3747-15 Sec. 2. Section 349.17, Code 1989, is amended to read as
16 follows:

17 349.17 OFFICIAL PUBLICATION FEE.

18 The cost of official publications provided for in section
19 349.16 shall not exceed ~~three-fourths-of~~ the fee provided in
20 section 618.11 for the publication of legal notices. An
21 official publication shall not be printed in type smaller than
22 six point.

3755-23 Sec. 3. Section 445.8, subsection 2, Code 1989, is amended
24 to read as follows:

25 2. The treasurer shall cause to be compiled a list of all
26 delinquent personal property taxes for the current assessment
27 year, as shown by the delinquent personal property tax list.
28 The list shall show the amount of the taxes delinquent when
29 the amount of the tax is more than five dollars and the amount
30 of penalty, interest, and costs, the name of the owner, if
31 known, or the person, if any, to whom it is taxed, and shall
32 be published in ~~an-official-newspaper~~ one or more newspapers
33 in the county, which publication shall be not more than two
34 weeks before the third Monday in June, and by immediately
35 posting a copy of the publication at the door of the

1 courthouse. The treasurer may divide the list for publication
 2 in different newspapers. Sections 446.10 and 446.11 apply to
 3 the publication of the notice. The treasurer shall obtain a
 4 copy of the notice as published, and a certificate of the
 5 publication from the printer or publisher, and file it in the
 6 office of the auditor.

819, 3746
 7 Sec. 4. Section 618.16, Code 1989, is amended to read as
 8 follows:

9 618.16 ZONED EDITIONS OF SAME NEWSPAPER.

10 Publication requirements for governmental subdivisions of
 11 the state shall be deemed satisfied when publication is made
 12 in editions or zoned editions which are delivered to an area
 13 comprising within the jurisdiction of the subdivision making
 14 the publication even though publication is not made in other
 15 editions of the same newspaper ~~delivered-to-other-areas-of-the~~
 16 state.

17 Sec. 5. NEW SECTION. 618.17 MINIMUM TYPE SIZE.

18 A publication required by law shall be printed in type no
 19 smaller than six point.

20 Sec. 6. NEW SECTION. 618.18 TIMELY PUBLICATION REQUIRED.

21 When a publication required by law is not published within
 22 one month of submission to the newspaper, the maximum
 23 compensation established by law shall be reduced by twenty-
 24 five percent.

25 Sec. 7. Section 301.7, Code 1989, is repealed.

26 EXPLANATION

27 Section 1 reduces the degree of specificity required in the
 28 publication of county care facility inventories.

29 Section 2 provides that the cost of county publications in
 30 official newspapers shall be made at the legal rate
 31 established in section 618.11 rather than at the present
 32 three-fourths of that rate.

33 Section 3 grants the county treasurer the option to divide
 34 the delinquent tax list for publication in more than one
 35 newspaper.

1 Section 4 revises existing provisions for the use of zoned
2 editions of newspapers to permit publication of matter in only
3 those zoned editions which serve the jurisdiction publishing
4 the notice.

5 Section 5 requires that newspapers making official publi-
6 cations use print size no smaller than six point.

7 Section 6 requires a reduction by twenty-five percent of
8 the allowable publication fee when publication is not made
9 within one month of receipt by the newspaper.

10 Section 7 repeals the newspaper advertising requirement
11 relating to the purchase of textbooks.

12 This bill establishes a state mandate pursuant to chapter
13 25B.

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**HOUSE FILE 728
FISCAL NOTE**

A fiscal note for **HOUSE FILE 728** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 728 reduces the specificity required in publication county facility inventories, increases the established rate that can be charged for publications in official newspapers, permits the county treasurer to divide the delinquent tax list for publication in more than one newspaper, requires that print be no smaller than six point, and other such changes.

Assumptions:

The publications costs will increase at most by 33% (i.e., from 75% to 100% of the legal notice rate).

Fiscal Impact:

There is no fiscal impact on the General Fund. At the local level, the cost increase could range from approximately \$4,000 in small counties to approximately \$18,000 in large counties.

Sources: Polk County Auditor
Cerro Gordo County Auditor
Fremont County Auditor
Dickinson County Auditor

(LSB 2594hv, MDF)

FILED APRIL 4, 1989

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 728

S-3746

1 Amend House File 728, as passed by the House, as
 2 follows:
 3 1. Page 2, by inserting after line 6 the
 4 following:
 5 "Sec. ____ . Section 446.9, subsection 2, Code 1989,
 6 is amended to read as follows:
 7 2. Publication of the time and place of the annual
 8 tax sale shall be made once by the treasurer in an
 9 official newspaper in the county at least one week,
 10 but not more than three weeks, before the day of sale.
 11 The publication shall contain a description of the
 12 real estate to be sold that is clear, concise, and
 13 sufficient to distinguish the real estate to be sold
 14 from all other parcels. All items offered for sale
 15 pursuant to section 446.18 may be indicated by an "s"
 16 or by an asterisk. The publication shall also contain
 17 the name of the person in whose name the real estate
 18 to be sold is taxed, the amount of delinquent taxes,
 19 both regular and special, for which the real estate is
 20 liable for each year, the amount of the penalty,
 21 interest, and ~~ten-dollars-representing~~ the actual
 22 costs of publication, all to be incorporated as a
 23 single sum. The publication shall contain a statement
 24 that, after the sale, if the real estate is not
 25 redeemed within the period provided in chapter 447,
 26 the right to redeem expires and a deed may be issued."
 27 2. Title page, line 7, by inserting after the
 28 word "made," the following: "by providing for the
 29 payment of the publication cost of the annual tax
 30 sale,".

By BERL E. PRIEBE
 TOM MANN, Jr.

S-3746 FILED APRIL 18, 1989

LOST

4-18-89 (p.1512) Motion to Reconsider (p.1512) - withdrawn
 4-21-89 (p.1599)

HOUSE FILE 728

S-3747

1 Amend House File 728, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking lines 15 through 22.
 By WILMER RENSINK

S-3747 FILED APRIL 18, 1989

LOST

4-18-89 (p.1510)

SENATE AMENDMENT TO HOUSE FILE 728

H-4363

1 Amend House File 728, as passed by the House, as
2 follows:

3 1. Page 1, by striking line 23 through page 2,
4 line 6.

5 2. Page 2, by inserting after line 6 the
6 following:

7 "Sec. ____ . Section 445.36, subsection 2, Code
8 1989, is amended to read as follows:

9 2. No demand of taxes shall be necessary, but it
10 shall be the duty of every person subject to taxation
11 to attend at the office of the treasurer, at some time
12 between the first Monday in August and September 1
13 following, and pay the person's taxes in full, or one-
14 half thereof before September 1 succeeding the levy,
15 and the remaining half before March 1 following.

16 However, if the first installment of a person's taxes
17 are delinquent and not paid as of February 15, the
18 treasurer shall mail a notice to the taxpayer of the
19 delinquency and the due date for the second
20 installment. Failure to receive a mailed notice is
21 not a defense to the payment of the tax and any
22 interest and penalty due.

23 Sec. ____ . Notwithstanding section 445.39, for the
24 period of July 1, 1989, to June 30, 1991, if the first
25 installment of taxes is not paid by the delinquent
26 date specified in section 445.37, the installment
27 shall become due and draw interest, as a penalty, of
28 two percent per month until paid, from the delinquent
29 date following the levy, and if the last half is not
30 paid by April 1 following the levy, the same interest
31 shall be charged from the date the last half became
32 delinquent.

33 Sec. ____ . Section 446.9, subsections 1 and 2, Code
34 1989, are amended to read as follows:

35 1. A notice of the time and place of the annual
36 tax sale shall be served upon the person in whose name
37 the real estate subject to sale is taxed. The
38 treasurer shall serve the notice by sending it by
39 regular first class mail to the person's last known
40 address not later than May 1 of each fiscal year. The
41 notice shall contain a description of the real estate
42 to be sold which is clear, concise, and sufficient to
43 distinguish the real estate to be sold from all other
44 parcels. It shall also contain the amount of
45 delinquent taxes, both regular and special, for which
46 the real estate is liable each year, the amount of the
47 penalty, interest, and ~~ten-dollars-representing-costs~~
48 the actual cost of publication, all to be incorporated
49 as a single sum. The notice shall contain a statement
50 that, after the sale, if the real estate is not

1 redeemed within the period provided in chapter 447,
 2 the right to redeem expires and a deed may be issued.
 3 2. Publication of the time and place of the annual
 4 tax sale shall be made once by the treasurer in an
 5 official newspaper in the county at least one week,
 6 but not more than three weeks, before the day of sale.
 7 The publication shall contain a description of the
 8 real estate to be sold that is clear, concise, and
 9 sufficient to distinguish the real estate to be sold
 10 from all other parcels. All items offered for sale
 11 pursuant to section 446.18 may be indicated by an "s"
 12 or by an asterisk. The publication shall also contain
 13 the name of the person in whose name the real estate
 14 to be sold is taxed, the amount of delinquent taxes,
 15 both regular and special, for which the real estate is
 16 liable for each year, the amount of the penalty,
 17 interest, and ~~ten-dollars-representing-costs~~ the
 18 actual cost of publication, all to be incorporated as
 19 a single sum. The publication shall contain a
 20 statement that, after the sale, if the real estate is
 21 not redeemed within the period provided in chapter
 22 447, the right to redeem expires and a deed may be
 23 issued."

24 3. Title page, line 4, by inserting after the
 25 word "publications," the following: "by providing
 26 notice and penalty for delinquent taxes,".

27 4. Title, lines 4 and 5 by striking the words "
 28 by permitting the division of the delinquent tax list
 29 for publication".

30 5. By renumbering, relettering, or redesignating
 31 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4363 FILED MAY 2, 1989

REFUSED TO CONCUR

5-2-89 (p.2310)

Senate Insisted 5-4-89 (p.1916)

1 **REPORT OF THE CONFERENCE COMMITTEE**
2 **ON HOUSE FILE 728**

3 To the Speaker of the House of Representatives and the
4 President of the Senate:

5 We, the undersigned members of the conference committee
6 appointed to resolve the differences between the House of
7 Representatives and the Senate on House File 728, a bill for An
8 Act relating to official publications by amending rates for
9 county publication of board proceedings, by reducing the
10 specific information required in county care facility inventory
11 publications, by permitting division of the delinquent tax list
12 for publication, by establishing a minimum type size, by
13 reducing publication fees when publication is not timely made,
14 and by eliminating the requirement for publication of notice of
15 textbook purchase, respectfully make the following report:

16 1. That the Senate amendment, H-4363, to House File 728, as
17 passed by the House, is amended as follows:

18 1. Page 1, by striking lines 23 through 32 and inserting
19 the following:

20 "Sec. ____ . Section 445.39, Code 1989, is amended to read as
21 follows:

22 445.39 INTEREST AS PENALTY.

23 If the first installment of taxes is not paid by the
24 delinquent date specified in section 445.37, the installment
25 shall become due and draw interest, as a penalty, of one and
26 one-half percent per month until paid, from the delinquent date
27 following the levy; and if the last half is not paid by April 1
28 following the levy, the same interest shall be charged from the
29 date the last half became delinquent. However, after April 1
30 in a fiscal year when late certification of the tax list
31 results in a penalty date later than October 1 for the first
32 installment, penalties on delinquent first installments shall
33 accrue as if certification were made on the previous June 30.
34 The interest penalty imposed under this section shall be
35 computed to the nearest whole dollar and the amount of interest
36 shall not be less than one dollar."

37 2. Page 1, line 48, by inserting after the word

CCR-728*

Page 2

- 1 "publication" the following: "in an official newspaper".
- 2 3. Page 2, line 18, by inserting after the word
- 3 "publication" the following: "in an official newspaper".
- 4 4. Page 2, line 26, by inserting after the word "taxes,"
- 5 the following: "by revising the use of zoned editions of a
- 6 newspaper,".

ON THE PART OF THE HOUSE:

DANIEL P. FOGARTY, Chairperson
ROBERT D. FULLER
JOEL W. BROWN
ROBERT H. RENKEN
BRADLEY C. BANKS

ON THE PART OF THE SENATE:

ALVIN V. MILLER, Chairperson
LARRY MURPHY
BERL E. PRIEBE
RICHARD VANDE HOEF
MARK R. HAGERLA

CCR-728 FILED MAY 5, 1989

adopted by Senate 5-5-89 (p. 1986)
House adopted 5/5/89 (p. 2528)

HOUSE FILE 728

S-3819

1 Amend House File 728, as passed by the House, as
2 follows:

3 1. Page 2, by inserting after line 6 the
4 following:

5 "Sec. ____ . Section 445.36, subsection 2, Code
6 1989, is amended to read as follows:

7 2. No demand of taxes shall be necessary, but it
8 shall be the duty of every person subject to taxation
9 to attend at the office of the treasurer, at some time
10 between the first Monday in August and September 1
11 following, and pay the person's taxes in full, or one-
12 half thereof before September 1 succeeding the levy,
13 and the remaining half before March 1 following.
14 However, if the first installment of a person's taxes
15 are delinquent and not paid as of February 15, the
16 treasurer shall mail a notice to the taxpayer of the
17 delinquency and the due date for the second
18 installment. Failure to receive a mailed notice is
19 not a defense to the payment of the tax and any
20 interest and penalty due.

389/21 Sec. ____ . Section 445.39, Code 1989, is amended to
22 read as follows:

23 445.39 INTEREST AS PENALTY.

24 If the first installment of taxes is not paid by
25 the delinquent date specified in section 445.37, the
26 installment shall become due and draw interest, as a
27 penalty, of ~~one~~ two percent per month until paid, from
28 the delinquent date following the levy; and if the
29 last half is not paid by April 1 following the levy,
30 the same interest shall be charged from the date the
31 last half became delinquent. However, after April 1
32 in a fiscal year when late certification of the tax
33 list results in a penalty date later than October 1
34 for the first installment, penalties on delinquent
35 first installments shall accrue as if certification
36 were made on the previous June 30. The interest
37 penalty imposed under this section shall be computed
38 to the nearest whole dollar and the amount of interest
39 shall not be less than one dollar.

40 Sec. ____ . Section 446.9, subsections 1 and 2, Code
41 1989, are amended to read as follows:

42 1. A notice of the time and place of the annual
43 tax sale shall be served upon the person in whose name
44 the real estate subject to sale is taxed. The
45 treasurer shall serve the notice by sending it by
46 regular first class mail to the person's last known
47 address not later than May 1 of each fiscal year. The
48 notice shall contain a description of the real estate
49 to be sold which is clear, concise, and sufficient to
50 distinguish the real estate to be sold from all other

S-3819

Page 2

1 parcels. It shall also contain the amount of
 2 delinquent taxes, both regular and special, for which
 3 the real estate is liable each year, the amount of the
 4 penalty, interest, and ~~ten-dollars-representing-costs~~
 5 the actual cost of publication, all to be incorporated
 6 as a single sum. The notice shall contain a statement
 7 that, after the sale, if the real estate is not
 8 redeemed within the period provided in chapter 447,
 9 the right to redeem expires and a deed may be issued.

10 2. Publication of the time and place of the annual
 11 tax sale shall be made once by the treasurer in an
 12 official newspaper in the county at least one week,
 13 but not more than three weeks, before the day of sale.
 14 The publication shall contain a description of the
 15 real estate to be sold that is clear, concise, and
 16 sufficient to distinguish the real estate to be sold
 17 from all other parcels. All items offered for sale
 18 pursuant to section 446.18 may be indicated by an "s"
 19 or by an asterisk. The publication shall also contain
 20 the name of the person in whose name the real estate
 21 to be sold is taxed, the amount of delinquent taxes,
 22 both regular and special, for which the real estate is
 23 liable for each year, the amount of the penalty,
 24 interest, and ~~ten-dollars-representing-costs~~ the
 25 actual cost of publication, all to be incorporated as
 26 a single sum. The publication shall contain a
 27 statement that, after the sale, if the real estate is
 28 not redeemed within the period provided in chapter
 29 447, the right to redeem expires and a deed may be
 30 issued."

31 2. Title page, line 4, by inserting after the
 32 word "publications," the following: "by providing
 33 notice and penalty for delinquent taxes,".

34 3. By numbering sections as necessary.

By ALVIN V. MILLER
 MAGGIE TINSMAN
 BERL E. PRIEBE
 BOB CARR
 LINN FUHRMAN

RICHARD VANDE HOEF
 EUGENE S. FRAISE
 KENNETH D. SCOTT
 ELAINE SZYMONIAK

S-3819 FILED APRIL 19, 1989

*adopted 4-21-89 (p. 1599) - motion to Reconsider
 4-27-89 (p. 1739) - motion
 prevailed - 5-2-89 (p. 1820)
 adopted 5-2-89*

HOUSE FILE 728

S-3891

1 Amend amendment, S-3819, to House File 728, as
2 passed by the House, as follows:
3 1. Page 1, by striking lines 21 through 39, and
4 inserting the following:
5 "Sec. _____. Notwithstanding section 445.39, for the
6 period of July 1, 1989, to June 30, 1991, if the first
7 installment of taxes is not paid by the delinquent
8 date specified in section 445.37, the installment
9 shall become due and draw interest, as a penalty, of
10 two percent per month until paid, from the delinquent
11 date following the levy, and if the last half is not
12 paid by April 1 following the levy, the same interest
13 shall be charged from the date the last half became
14 delinquent."

By RICHARD VARN
BERL PRIEBE
ALVIN MILLER

S-3891 FILED APRIL 24, 1989

adopted 5-2-89 (p.1820)

HOUSE FILE 728

S-3755

1 Amend House File 728 as passed by the House as follows:
2 1. Page 1, by striking line 23 through page 2, line 6.
3 2. Title, lines 4 and 5 by striking the words ", by
4 permitting the division of the delinquent tax list for
5 publication".

By WILLIAM W. DIELEMAN

S-3755 FILED APRIL 18, 1989

ADOPTED *4-18-89 (p.1512)*

HSB 342

LOCAL GOVERNMENT

now

HOUSE FILE

720

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL)

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

A BILL FOR

1 An Act relating to official publications by requiring
2 publications of certain hospital board proceedings, by
3 amending rates for county publication of board proceedings, by
4 reducing the specific information required in county care
5 facility inventory publications, by permitting division of the
6 delinquent tax list for publication, by establishing a minimum
7 type size, by reducing publication fees when publication is
8 not timely made, and by eliminating the requirement for
9 publication of notice of textbook purchase.

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

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1 Section 1. NEW SECTION. 145A.10A PUBLICATION OF MINUTES.

2 Within fifteen days following a regular or special meeting
3 of the board, the chairperson shall cause the minutes of the
4 proceedings of the board to be published in at least one
5 newspaper of general circulation published in each county in
6 the merged area. Matters discussed in closed session pursuant
7 to section 21.5 shall not be published until entered on the
8 public minutes.

9 Sec. 2. Section 253.3, Code 1989, is amended to read as
10 follows:

11 253.3 ANNUAL PUBLISHED REPORT.

12 The board of supervisors, prior to September 1 of each
13 year, shall publish in the official papers of the county as
14 part of its proceedings, a financial statement of the receipts
15 of the county care facility, or county farm, itemizing them
16 and stating their source, which report shall also set forth
17 the total expenditures and the value of the property on hand
18 on July 1 of the year for which the report is made and a
19 comparison with the inventory of the previous year. The
20 inventory need not specifically account by item for individual
21 items of personal property valued at less than one hundred
22 dollars.

23 Sec. 3. NEW SECTION. 347.21 PUBLICATION OF MINUTES.

24 Within fifteen days following a regular or special meeting
25 of the board of hospital trustees, the secretary shall cause
26 the minutes of the proceedings of the board of trustees to be
27 published in the official newspapers of the county. Matters
28 discussed in closed session pursuant to section 21.5 shall not
29 be published until entered on the public minutes.

30 Sec. 4. Section 349.17, Code 1989, is amended to read as
31 follows:

32 349.17 OFFICIAL PUBLICATION FEE.

33 The cost of official publications provided for in section
34 349.16 shall not exceed ~~three-fourths-of~~ the fee provided in
35 section 618.11 for the publication of legal notices. An

1 official publication shall not be printed in type smaller than
2 six point.

3 Sec. 5. Section 392.6, Code 1989, is amended by adding the
4 following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. Within fifteen days following a
6 regular or special meeting of the board of trustees, the
7 secretary shall cause the minutes of the proceedings of the
8 board of trustees to be published in a newspaper published in
9 the city or, if there are none, in a newspaper of general
10 circulation in the city. Matters discussed in closed session
11 pursuant to section 21.5 shall not be published until entered
12 on the public minutes.

13 Sec. 6. Section 445.8, subsection 2, Code 1989, is amended
14 to read as follows:

15 2. The treasurer shall cause to be compiled a list of all
16 delinquent personal property taxes for the current assessment
17 year, as shown by the delinquent personal property tax list.
18 The list shall show the amount of the taxes delinquent when
19 the amount of the tax is more than five dollars and the amount
20 of penalty, interest, and costs, the name of the owner, if
21 known, or the person, if any, to whom it is taxed, and shall
22 be published in an-official-newspaper one or more newspapers
23 in the county, which publication shall be not more than two
24 weeks before the third Monday in June, and by immediately
25 posting a copy of the publication at the door of the
26 courthouse. The treasurer may divide the list for publication
27 in different newspapers. Sections 446.10 and 446.11 apply to
28 the publication of the notice. The treasurer shall obtain a
29 copy of the notice as published, and a certificate of the
30 publication from the printer or publisher, and file it in the
31 office of the auditor.

32 Sec. 7. Section 618.16, Code 1989, is amended to read as
33 follows:

34 618.16 ZONED EDITIONS OF SAME NEWSPAPER.

35 Publication requirements for governmental subdivisions of

1 the state shall be deemed satisfied when publication is made
2 in editions or zoned editions which are delivered to an area
3 comprising within the jurisdiction of the subdivision making
4 the publication even though publication is not made in other
5 editions of the same newspaper ~~delivered-to-other-areas-of-the~~
6 state.

7 Sec. 8. NEW SECTION. 618.17 MINIMUM TYPE SIZE.

8 A publication required by law shall be printed in type no
9 smaller than six point.

10 Sec. 9. NEW SECTION. 618.18 TIMELY PUBLICATION REQUIRED.

11 When a publication required by law is not published within
12 one month of submission to the newspaper, the maximum
13 compensation established by law shall be reduced by twenty-
14 five percent.

15 10. Section 301.7, Code 1989, is repealed.

16 EXPLANATION

17 Section 1 requires that area hospital boards publish the
18 minutes of their proceedings in each county in the merged area
19 within fifteen days of the meeting.

20 Section 2 reduces the degree of specificity required in the
21 publication of county care facility inventories.

22 Section 3 requires that county hospital boards of trustees
23 publish the minutes of their proceedings within fifteen days
24 of the meeting.

25 Section 4 provides that the cost of county publications in
26 official newspapers shall be made at the legal rate
27 established in section 618.11 rather than at the present
28 three-fourths of that rate.

29 Section 5 requires that city hospital boards of trustees
30 publish minutes of their proceedings within fifteen days of
31 the meeting.

32 Section 6 grants the county treasurer the option to divide
33 the delinquent tax list for publication in more than one
34 newspaper.

35 Section 7 revises existing provisions for the use of zoned

1 editions of newspapers to permit publication of matter in only
2 those zoned editions which serve the jurisdiction publishing
3 the notice.

4 Section 8 requires that newspapers making official publi-
5 cations use print size no smaller than six point.

6 Section 9 requires a reduction by twenty-five percent of
7 the allowable publication fee when publication is not made
8 within one month of receipt by the newspaper.

9 Section 10 repeals the newspaper advertising requirement
10 relating to the purchase of textbooks.

11 This bill establishes a state mandate pursuant to chapter
12 25B.

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HOUSE FILE 728

AN ACT

RELATING TO OFFICIAL PUBLICATIONS BY AMENDING RATES FOR COUNTY PUBLICATION OF BOARD PROCEEDINGS, BY REDUCING THE SPECIFIC INFORMATION REQUIRED IN COUNTY CARE FACILITY INVENTORY PUBLICATIONS, BY PROVIDING NOTICE AND PENALTY FOR DELINQUENT TAXES, BY REVISING THE USE OF ZONED EDITIONS OF A NEWSPAPER, BY ESTABLISHING A MINIMUM TYPE SIZE, BY REDUCING PUBLICATION FEES WHEN PUBLICATION IS NOT TIMELY MADE, AND BY ELIMINATING THE REQUIREMENT FOR PUBLICATION OF NOTICE OF TEXTBOOK PURCHASE.

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

Section 1. Section 253.3, Code 1989, is amended to read as follows:

253.3 ANNUAL PUBLISHED REPORT.

The board of supervisors, prior to September 1 of each year, shall publish in the official papers of the county as part of its proceedings, a financial statement of the receipts of the county care facility, or county farm, itemizing them and stating their source, which report shall also set forth the total expenditures and the value of the property on hand on July 1 of the year for which the report is made and a comparison with the inventory of the previous year. The inventory need not specifically account by item for individual items of personal property valued at less than one hundred dollars.

Sec. 2. Section 349.17, Code 1989, is amended to read as follows:

349.17 OFFICIAL PUBLICATION FEE.

The cost of official publications provided for in section 349.16 shall not exceed ~~three-fourths~~ of the fee provided in section 618.11 for the publication of legal notices. An official publication shall not be printed in type smaller than six point.

Sec. 3. Section 445.36, subsection 2, Code 1989, is amended to read as follows:

2. No demand of taxes shall be necessary, but it shall be the duty of every person subject to taxation to attend at the office of the treasurer, at some time between the first Monday in August and September 1 following, and pay the person's taxes in full, or one-half thereof before September 1 succeeding the levy, and the remaining half before March 1 following. However, if the first installment of a person's taxes are delinquent and not paid as of February 15, the treasurer shall mail a notice to the taxpayer of the delinquency and the due date for the second installment. Failure to receive a mailed notice is not a defense to the payment of the tax and any interest and penalty due.

Sec. 4. Section 445.39, Code 1989, is amended to read as follows:

445.39 INTEREST AS PENALTY.

If the first installment of taxes is not paid by the delinquent date specified in section 445.37, the installment shall become due and draw interest, as a penalty, of one and one-half percent per month until paid, from the delinquent date following the levy; and if the last half is not paid by April 1 following the levy, the same interest shall be charged from the date the last half became delinquent. However, after April 1 in a fiscal year when late certification of the tax list results in a penalty date later than October 1 for the first installment, penalties on delinquent first installments shall accrue as if certification were made on the previous June 30. The interest penalty imposed under this section shall be computed to the nearest whole dollar and the amount of interest shall not be less than one dollar.

Sec. 5. Section 446.9, subsections 1 and 2, Code 1989, are amended to read as follows:

1. A notice of the time and place of the annual tax sale shall be served upon the person in whose name the real estate subject to sale is taxed. The treasurer shall serve the notice by sending it by regular first class mail to the

person's last known address not later than May 1 of each fiscal year. The notice shall contain a description of the real estate to be sold which is clear, concise, and sufficient to distinguish the real estate to be sold from all other parcels. It shall also contain the amount of delinquent taxes, both regular and special, for which the real estate is liable each year, the amount of the penalty, interest, and ~~ten dollars representing costs~~ the actual cost of publication in an official newspaper, all to be incorporated as a single sum. The notice shall contain a statement that, after the sale, if the real estate is not redeemed within the period provided in chapter 447, the right to redeem expires and a deed may be issued.

2. Publication of the time and place of the annual tax sale shall be made once by the treasurer in an official newspaper in the county at least one week, but not more than three weeks, before the day of sale. The publication shall contain a description of the real estate to be sold that is clear, concise, and sufficient to distinguish the real estate to be sold from all other parcels. All items offered for sale pursuant to section 446.18 may be indicated by an "s" or by an asterisk. The publication shall also contain the name of the person in whose name the real estate to be sold is taxed, the amount of delinquent taxes, both regular and special, for which the real estate is liable for each year, the amount of the penalty, interest, and ~~ten dollars representing costs~~ the actual cost of publication in an official newspaper, all to be incorporated as a single sum. The publication shall contain a statement that, after the sale, if the real estate is not redeemed within the period provided in chapter 447, the right to redeem expires and a deed may be issued.

Sec. 6. Section 618.16, Code 1989, is amended to read as follows:

618.16 ZONED EDITIONS OF SAME NEWSPAPER.

Publication requirements for governmental subdivisions of the state shall be deemed satisfied when publication is made in editions or zoned editions which are delivered to an area

comprising within the jurisdiction of the subdivision making the publication even though publication is not made in other editions of the same newspaper ~~delivered to other areas of the~~ state.

Sec. 7. NEW SECTION. 618.17 MINIMUM TYPE SIZE.

A publication required by law shall be printed in type no smaller than six point.

Sec. 8. NEW SECTION. 618.18 TIMELY PUBLICATION REQUIRED.

When a publication required by law is not published within one month of submission to the newspaper, the maximum compensation established by law shall be reduced by twenty-five percent.

Sec. 9. Section 301.7, Code 1989, is repealed.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 728, Seventy-third General Assembly.

Approved May 23, 1989

JOSEPH O'HERN
Chief Clerk of the House

TERRY E. BRANSTAD
Governor