## Senate File 131 - Introduced

Passed Senate, Date							
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A BILL FOR  1 An Act authorizing the posting of certain notices, actions, and information of certain local governments on an internet website.  3 website.  4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  5 TLSB 1648XS 83  6 md/sc/8  PAG LIN  1 Section 1. Section 21.4, subsection 4, Code 2009, is 2 amended to read as follows:  1 3 4. If another section of the Code requires or authorizes a 1 4 manner of giving specific notice of a meeting, hearing, or an 1 5 intent to take action by a governmental body, compliance with 1 6 that section shall constitute compliance with the notice 1 7 requirements of this section.  8 Sec. 2. NEW SECTION. 22A.1 ELECTRONIC PUBLICATION OF 9 PUBLIC NOTICES.  10 1. For purposes of this section, "municipality" means a 1 11 public body or corporation that has power to levy or certify a 1 12 tax or sum of money to be collected by taxation.  2 1 2 a. A municipality that is required by statute to 1 14 publish or post in a public place a notice, action, or other 1 information, may, in lieu of such requirements, post the 1 in notice, action, or other information on an internet website if 1 7 posting such information on an internet website has ben 1 8 authorized, by ordinance or resolution of the governing body 19 of the municipality, as a means of official publication.  20 b. An ordinance or resolution that authorizes posting on 21 an internet website as an official publication shall identify 22 each type of notice, action, or information that hall be 23 posted on an internet website in lieu of publication. If the 24 municipality is a city or a county such authorization shall be 25 by ordinance.  2				BY A	PPEL		
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1 33 contained in the publication and shall comply with all 1 34 requirements relating to the date of publication. 1 35		31 municip	ality on an internet	website pu	rsuant to thi	s section	
1 35 4. If posting on an internet website is authorized by a 2 1 municipality to satisfy publication requirements, all of the 2 2 following shall apply: 2 3 a. The internet website shall be operated and maintained 2 4 by the governing body of the municipality. 2 5 b. The internet website shall be accessible at all times	1	33 contain	ed in the publication	and shall	comply with		
<ul> <li>2 following shall apply:</li> <li>2 3 a. The internet website shall be operated and maintained</li> <li>2 4 by the governing body of the municipality.</li> <li>2 5 b. The internet website shall be accessible at all times</li> </ul>	1	35 4.	If posting on an inte	ernet websi	lte is authori		
<ul> <li>2 4 by the governing body of the municipality.</li> <li>2 5 b. The internet website shall be accessible at all times</li> </ul>	2	2 followi	ng shall apply:				
2 5 b. The internet website shall be accessible at all times						naintained	
		5 b.	The internet website	shall be a	accessible at	all times	
2 7 c. The public shall not be charged for access to any 2 8 notice, action, or other information posted on the internet	2	7 c.	The public shall not	be charged	d for access t		
2 9 website pursuant to this section.	2	9 website	pursuant to this sec	ction.			
2 10 d. The internet website shall be searchable by keyword, 2 11 type of notice, action, or information, and geographic	2	11 type of	notice, action, or i				
<ul><li>2 12 location.</li><li>2 13 e. The notice, action, or other information posted on an</li></ul>	2	13 e.	The notice, action, o				
2 14 internet website pursuant to this section shall be maintained 2 15 and accessible through the same website address for as long as	2	15 and acc	essible through the s	same websit	e address for	as long as	
2 16 required by law or as long as such information is customarily 2 17 maintained by the municipality, whichever is longer.	2	16 require	d by law or as long a	as such inf	formation is c	customarily	

2 18 A notice, action, or other information posted on an 2 19 internet website pursuant to this section by a municipality 2 20 other than a city shall also be made available by the 2 21 municipality in a paper format in the office of the county 2 22 auditor. A notice, action, or other information posted on an 2 23 internet website pursuant to this section by a municipality 24 that is a city shall also be made available by the 25 municipality in a paper format in the office of the city 2 26 clerk. 2 Section 49.53, subsection 2, Code 2009, is amended 27 Sec. 3. 2 28 to read as follows: 2. The notice shall be published in at least one 30 newspaper, as defined in section 618.3, which is published in 31 the county or other political subdivision in which the 32 election is to occur or, if no newspaper is published there, 33 in at least one newspaper of substantial circulation in the 34 county or political subdivision. For the general election or 35 the primary election the foregoing notice shall be published in at least two newspapers published in the county. However, 2 if there is only one newspaper published in the county, publication in one newspaper shall be sufficient. Compliance with the requirements of section 22A.1 shall constitute 5 compliance with the publication requirements of this section.
6 Sec. 4. Section 279.36, unnumbered paragraph 1, Code 2009, 3 is amended to read as follows: The requirements of section 279.35 are satisfied by 3 9 publication in at least one newspaper published in the 3 10 district or, if there is none, in at least one newspaper 3 11 having general circulation within the district. Compliance 12 with the requirements of section 22A.1 shall constitute 13 compliance with the publication requirements of this section.
14 Sec. 5. Section 331.305, Code 2009, is amended to read as 3 14 3 15 follows: 3 16 331.305 PUBLICATION OF NOTICES. 3 17 Unless otherwise provided by state law, if notice of an 3 18 election, hearing, or other official action is required by 3 19 this chapter, the board shall publish the notice at least 3 20 once, not less than four nor more than twenty days before the 3 21 date of the election, hearing, or other action, in one or more 3 22 newspapers which meet the requirements of section 618.14. 23 Notice of an election shall also comply with section 49.53. 3 24 Compliance with the requirements of section 22A.1 25 constitute compliance with the publication requirements of 26 this section. 3 27 Sec. 6. Section 362.3, Code 2009, is amended by adding the 3 28 following new subsection: 29 <u>NEW SUBSECTION.</u> 3. Compliance with the requirements of 30 section 22A.1 shall constitute compliance with the 3 29 3 31 requirements of this section relating to publication in a 3 32 newspaper and to publication by posting. EXPLANATION 33 3 This bill relates to the publication of notices, actions, 34 35 and other information by municipalities, as defined in the 1 bill. Under the bill, a municipality that is required by 2 statute to publish, or post in a public place, a notice, 3 action, or other information, may, in lieu of such 4 4 4 requirements, post the notice, action, or other information on 5 an internet website if posting such information on an internet 6 website has been authorized, by ordinance or resolution of the 7 municipality and the type of notice, action, or other 4 8 information required to be posted is identified in the 4 ordinance or resolution. The bill does not allow notices under Code chapter 6B 4 10 4 11 ("Procedure Under Eminent Domain"), notices provided under the 4 12 rules of civil procedure, or any notice required to be given 4 13 by personal service to be posted on an internet website in 4 14 lieu of publication or service. 4 15 The bill requires notices, actions, or other information 4 16 posted on an internet website to include all information 4 17 otherwise required to be published and requires compliance 4 18 with all provisions relating to the date of publication. The bill also requires an internet website used to post 4 20 notices, actions, and other information to be operated and 4 21 maintained by the governing body of the municipality; 22 accessible at all times by the public, including the visually 23 impaired; accessible to the public without charge; and 4 24 searchable. All information posted on an internet website 25 under the bill shall be maintained and accessible through the 26 same website address for as long as required by law or as long

4 28 municipality, whichever is longer.

4 27 as such information is customarily maintained by the

- The bill requires a municipality to make all information 4 30 posted on the internet website, in lieu of publication or 4 31 posting in a public place, available in a paper format in the 4 32 office of the county auditor or in the office of the city 4 33 clerk if the municipality is a city. 4 34 LSB 1648XS 83 4 35 md/sc/8.1