

Senate File 453 - Introduced

SENATE FILE 453

BY KOELKER

A BILL FOR

1 An Act allowing the electronic publication of certain public
2 notices by certain governmental bodies and officers.

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

1 Section 1. NEW SECTION. 273.17 Electronic publication of
2 public notices.

3 1. *a.* When an area education agency is required by
4 statute to publish a notice, action, or other information in
5 a newspaper of general circulation, the area education agency
6 may, in lieu of such requirements, publish the notice, action,
7 or other information in its entirety on the area education
8 agency's internet site, if the area education agency maintains
9 an internet site.

10 *b.* Each area education agency affected by this section
11 shall, by official action, identify each type of notice,
12 action, or information that may be published on the area
13 education agency's internet site in lieu of newspaper
14 publication and shall identify the location of the area
15 education agency's office where such notices, actions, or
16 information will be available for public inspection.

17 2. A notice, action, or other information posted by an
18 area education agency on the area education agency's internet
19 site pursuant to this section shall include all information
20 otherwise required to be contained in the publication and
21 shall comply with all requirements relating to the date of
22 publication.

23 3. In posting and maintaining a notice, action, or other
24 information on an area education agency's internet site, the
25 area education agency shall satisfy all of the following
26 requirements:

27 *a.* The internet site shall be available and easily
28 accessible at all times by the public.

29 *b.* The public shall not be charged for access to any notice,
30 action, or other information posted on the internet site
31 pursuant to this section.

32 *c.* The notice, action, or other information posted on the
33 internet site pursuant to this section shall be maintained
34 and accessible through the same internet site address for as
35 long as required by law or as long as such information is

1 customarily maintained by the area education agency, whichever
2 is longer.

3 4. A notice, action, or other information posted on an
4 internet site pursuant to this section by an area education
5 agency shall also be made available by the area education
6 agency in a paper format in the office of the area education
7 agency as identified pursuant to subsection 1, paragraph "b".

8 5. Compliance with the requirements of this section
9 shall constitute compliance with the newspaper publication
10 requirements applicable to the area education agency relating
11 to the notice, action, or other information posted on an
12 internet site pursuant to this section.

13 6. An area education agency shall provide a method by
14 which persons may opt to receive notices, actions, or other
15 information by electronic mail. Electronic mail addresses
16 possessed by an area education agency pursuant to this
17 subsection are not public records and are not subject to
18 disclosure under chapter 22.

19 **Sec. 2. NEW SECTION. 274.8 Electronic publication of public**
20 **notices.**

21 1. *a.* When a school district is required by statute to
22 publish a notice, action, or other information in a newspaper
23 of general circulation, the school district may, in lieu
24 of such requirements, publish the notice, action, or other
25 information in its entirety on the school district's internet
26 site, if the school district maintains an internet site.

27 *b.* Each school district affected by this section shall,
28 by official action, identify each type of notice, action, or
29 information that may be published on the school district's
30 internet site in lieu of newspaper publication and shall
31 identify the location of the school district's office where
32 such notices, actions, or information will be available for
33 public inspection.

34 2. A notice, action, or other information posted by a school
35 district on the school district's internet site pursuant to

1 this section shall include all information otherwise required
2 to be contained in the publication and shall comply with all
3 requirements relating to the date of publication.

4 3. In posting and maintaining a notice, action, or other
5 information on a school district's internet site, the school
6 district shall satisfy all of the following requirements:

7 a. The internet site shall be available and easily
8 accessible at all times by the public.

9 b. The public shall not be charged for access to any notice,
10 action, or other information posted on the internet site
11 pursuant to this section.

12 c. The notice, action, or other information posted on the
13 internet site pursuant to this section shall be maintained
14 and accessible through the same internet site address for as
15 long as required by law or as long as such information is
16 customarily maintained by the school district, whichever is
17 longer.

18 4. A notice, action, or other information posted on an
19 internet site pursuant to this section by a school district
20 shall also be made available by the school district in a paper
21 format in the office of the school district as identified
22 pursuant to subsection 1, paragraph "b".

23 5. Compliance with the requirements of this section
24 shall constitute compliance with the newspaper publication
25 requirements applicable to the school district relating to the
26 notice, action, or other information posted on an internet site
27 pursuant to this section.

28 6. A school district shall provide a method by which persons
29 may opt to receive notices, actions, or other information by
30 electronic mail. Electronic mail addresses possessed by a
31 school district pursuant to this subsection are not public
32 records and are not subject to disclosure under chapter 22.

33 Sec. 3. NEW SECTION. 331.305A **Electronic publication of**
34 **public notices.**

35 1. For purposes of this section, "county legislative body"

1 means a county board of supervisors or a similar legislative
2 body for an alternative form of county government identified
3 in section 331.231.

4 2. *a.* When a county legislative body or county officer
5 is required by statute to publish a notice, action, or other
6 information in a newspaper of general circulation, the county
7 legislative body or county officer may, in lieu of such
8 requirements, publish the notice, action, or other information
9 in its entirety on the county's internet site, if the county
10 maintains an internet site.

11 *b.* Each county legislative body or county officer affected
12 by this section shall, by rule, ordinance, resolution, or
13 other official action, as appropriate, identify each type of
14 notice, action, or information that may be published on the
15 county's internet site in lieu of newspaper publication and
16 shall identify the location of the county legislative body's
17 or county officer's office where such notices, actions, or
18 information will be available for public inspection.

19 3. A notice, action, or other information posted by a county
20 legislative body or county officer on a county's internet
21 site pursuant to this section shall include all information
22 otherwise required to be contained in the publication and
23 shall comply with all requirements relating to the date of
24 publication.

25 4. In posting and maintaining a notice, action, or other
26 information on a county's internet site, the county legislative
27 body or county officer shall satisfy all of the following
28 requirements:

29 *a.* The internet site shall be available and easily
30 accessible at all times by the public.

31 *b.* The public shall not be charged for access to any notice,
32 action, or other information posted on the internet site
33 pursuant to this section.

34 *c.* The notice, action, or other information posted on the
35 internet site pursuant to this section shall be maintained

1 and accessible through the same internet site address for as
2 long as required by law or as long as such information is
3 customarily maintained by the county legislative body or county
4 officer, whichever is longer.

5 5. A notice, action, or other information posted on an
6 internet site pursuant to this section by a county legislative
7 body or county officer shall also be made available by the
8 county legislative body or county officer in a paper format in
9 the office of the county legislative body or county officer as
10 identified pursuant to subsection 2, paragraph "b".

11 6. Compliance with the requirements of this section
12 shall constitute compliance with the newspaper publication
13 requirements applicable to the county legislative body or
14 county officer relating to the notice, action, or other
15 information posted on an internet site pursuant to this
16 section.

17 7. A county legislative body or county officer shall provide
18 a method by which persons may opt to receive notices, actions,
19 or other information by electronic mail. Electronic mail
20 addresses possessed by a county legislative body or county
21 officer pursuant to this subsection are not public records and
22 are not subject to disclosure under chapter 22.

23 **Sec. 4. NEW SECTION. 362.3A Electronic publication of**
24 **public notices.**

25 1. For purposes of this section, "*city legislative body*"
26 means a city council or a similar legislative body for a form
27 of city government identified in section 372.1.

28 2. *a.* When a city legislative body or city officer is
29 required by statute to publish a notice, action, or other
30 information in a newspaper of general circulation, the
31 city legislative body or city officer may, in lieu of such
32 requirements, publish the notice, action, or other information
33 in its entirety on the city's internet site, if the city
34 maintains an internet site.

35 *b.* Each city legislative body or city officer affected

1 by this section shall, by rule, ordinance, resolution, or
2 other official action, as appropriate, identify each type of
3 notice, action, or information that may be published on the
4 city's internet site in lieu of newspaper publication and shall
5 identify the location of the city legislative body's or city
6 officer's office where such notices, actions, or information
7 will be available for public inspection.

8 3. A notice, action, or other information posted by a
9 city legislative body or city officer on a city's internet
10 site pursuant to this section shall include all information
11 otherwise required to be contained in the publication and
12 shall comply with all requirements relating to the date of
13 publication.

14 4. In posting and maintaining a notice, action, or other
15 information on a city's internet site, the city legislative
16 body or city officer shall satisfy all of the following
17 requirements:

18 a. The internet site shall be available and easily
19 accessible at all times by the public.

20 b. The public shall not be charged for access to any notice,
21 action, or other information posted on the internet site
22 pursuant to this section.

23 c. The notice, action, or other information posted on the
24 internet site pursuant to this section shall be maintained
25 and accessible through the same internet site address for as
26 long as required by law or as long as such information is
27 customarily maintained by the city legislative body or city
28 officer, whichever is longer.

29 5. A notice, action, or other information posted on an
30 internet site pursuant to this section by a city legislative
31 body or city officer shall also be made available by the
32 city legislative body or city officer in a paper format in
33 the office of the city legislative body or city officer as
34 identified pursuant to subsection 2, paragraph "b".

35 6. Compliance with the requirements of this section

1 shall constitute compliance with the newspaper publication
2 requirements applicable to the city legislative body or city
3 officer relating to the notice, action, or other information
4 posted on an internet site pursuant to this section.

5 7. A city legislative body or city officer shall provide a
6 method by which persons may opt to receive notices, actions,
7 or other information by electronic mail. Electronic mail
8 addresses possessed by a city legislative body pursuant to
9 this subsection are not public records and are not subject to
10 disclosure under chapter 22.

11

EXPLANATION

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The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

14 This bill provides for electronic publication of public
15 notices by certain governmental bodies and officers.

16 The bill provides that an area education agency, a school
17 district, a county or city legislative body, or a county or
18 city officer (governmental body) that is required by statute to
19 publish a notice, action, or other information in a newspaper
20 of general circulation may, in lieu of such requirements,
21 publish the notice, action, or other information in its
22 entirety on the respective governmental body's internet site,
23 if the governmental body maintains an internet site. The
24 bill requires each governmental body subject to the bill to,
25 by rule, ordinance, resolution, or other official action,
26 as appropriate, identify each type of notice, action, or
27 information that may be published on the governmental body's
28 internet site in lieu of newspaper publication and to identify
29 the location of the governmental body's office where a paper
30 copy of such notices, actions, or information will be available
31 for public inspection. The bill requires a governmental
32 body to provide a method by which persons may opt to receive
33 notices, actions, or other information by electronic mail.
34 Electronic mail addresses possessed by a governmental body for
35 this purpose are not public records subject to disclosure under

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1 Code chapter 22 (examination of public records).