

Senate File 31 - Introduced

SENATE FILE 31
BY LOFGREN

A BILL FOR

1 An Act requiring the electronic publication of certain public
2 notices by governmental bodies and officers and including
3 effective date provisions.

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

1 Section 1. NEW SECTION. 22B.1 Electronic publication of
2 public notices.

3 1. For purposes of this section, "governmental body" means a
4 governmental body as defined in section 21.2.

5 2. a. A governmental body or officer that is required
6 by statute to publish a notice, action, or other information
7 in a newspaper of general circulation shall, in lieu of such
8 requirements, post the notice, action, or other information on
9 the governmental body's internet site, if the governmental body
10 maintains an internet site.

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

19 3. A notice, action, or other information posted by a
20 governmental body or officer on a governmental body'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
26 other information on a governmental body's internet site,
27 the governmental body 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 governmental body, whichever is
4 longer.

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

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

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

21 Sec. 2. EFFECTIVE DATE. This Act takes effect July 1, 2023.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill provides for electronic publication of public
26 notices.

27 The bill provides that a governmental body or officer that
28 is required by statute to publish a notice, action, or other
29 information in a newspaper of general circulation shall,
30 in lieu of such requirements, post the notice, action, or
31 other information on the governmental body's internet site,
32 if the governmental body maintains an internet site. The
33 bill requires each governmental body subject to the bill to,
34 by rule, ordinance, resolution, or other official action,
35 as appropriate, identify each type of notice, action, or

1 information that shall be posted on the governmental body's
2 internet site in lieu of publication and to identify the
3 location of the governmental body's office where a paper copy
4 of such notices, actions, or information will be available for
5 public inspection. The bill requires a governmental body to
6 provide a method by which persons may opt to receive notices,
7 actions, or other information by electronic mail. Electronic
8 mail addresses possessed by a governmental body for this
9 purpose are not public records subject to disclosure under Code
10 chapter 22 (examination of public records).

11 The bill takes effect July 1, 2023.