

Senate Study Bill 3107 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON TECHNOLOGY BILL BY
CHAIRPERSON COURNOYER)

A BILL FOR

1 An Act relating to publication requirements for official
2 publications.

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

1 Section 1. Section 24.9, subsection 1, paragraph a, Code
2 2024, is amended to read as follows:

3 a. Each municipality shall file with the secretary or clerk
4 thereof the estimates required to be made in sections 24.3
5 through 24.8, at least twenty days before the date fixed by
6 law for certifying the same to the levying board and shall
7 forthwith fix a date for a hearing on the estimates, and
8 shall publish such estimates and any annual levies previously
9 authorized as provided in [section 76.2](#), with a notice of the
10 time when and the place where such hearing shall be held not
11 less than ten nor more than twenty days before the hearing.
12 Provided that in municipalities of less than two hundred
13 population such estimates and the notice of hearing shall
14 be posted in three public places in the district in lieu of
15 publication. For any other municipality such publication
16 shall be in a newspaper published in the municipality, if
17 any, if not, then in a newspaper of general circulation in
18 the municipality. If such a newspaper is not published in
19 the municipality, the municipality satisfies the publication
20 requirements of this paragraph by publishing the notice of
21 hearing to the municipality's official internet site such that
22 the notice is clearly identifiable and accessible.

23 Sec. 2. Section 47.5, subsection 2, Code 2024, is amended
24 to read as follows:

25 2. When it is proposed to purchase any goods or services,
26 other than data processing services, in connection with
27 administration of elections, the commissioner shall publish
28 notice to bidders, including specifications regarding the goods
29 or services to be purchased or a description of the nature
30 and object of the services to be retained, in a newspaper
31 of general circulation in the county not less than fifteen
32 days before the final date for submission of bids. When
33 competitive bidding procedures are used, the purchase of
34 goods or services shall be made from the lowest responsible
35 bidder which meets the specifications or description of the

1 services needed or the commissioner may reject all bids and
2 readvertise. In determining the lowest responsible bidder,
3 various factors may be considered, including but not limited
4 to the past performance of the bidder relative to quality of
5 product or service, the past experience of the purchaser in
6 relation to the product or service, the relative quality of
7 products or services, the proposed terms of delivery and the
8 best interest of the county. If there is not such a newspaper
9 published in the county, the county satisfies the notice
10 requirements of this subsection by publishing the notice to the
11 county's official internet site such that the notice is clearly
12 identifiable and accessible.

13 Sec. 3. Section 49.53, subsection 2, Code 2024, is amended
14 to read as follows:

15 2. The notice shall be published in at least one newspaper,
16 ~~as defined in that meets the requirements of section 618.3,~~
17 which is published in the county or other political subdivision
18 in which the election is to occur or, if no such newspaper
19 is published there, ~~in at least one newspaper of substantial~~
20 ~~circulation in the county or political subdivision~~ the notice
21 shall be posted to the internet site of the county and to
22 the internet site of any political subdivision in which
23 the election is to occur such that the notice is clearly
24 identifiable and accessible. For the general election or the
25 primary election the foregoing notice shall be published in
26 at least two newspapers published in the county. However,
27 if there is only one such newspaper published in the county,
28 publication in one such newspaper shall be sufficient. If
29 no such newspapers exist, the notice shall be posted to the
30 county's official internet site such that the notice is clearly
31 identifiable and accessible.

32 Sec. 4. Section 49A.1, Code 2024, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 3. If at least two newspapers are not
35 published in a congressional district, the proposition to

1 amend the Constitution shall be posted, during each month,
2 to the official internet sites of each county and political
3 subdivision within the congressional district such that the
4 notice is clearly identifiable and accessible. The proposition
5 to amend the Constitution shall also be published, during each
6 month, on an internet site of the general assembly.

7 Sec. 5. Section 49A.2, Code 2024, is amended to read as
8 follows:

9 **49A.2 Publication of proposed public measure.**

10 Whenever any public measure has passed the general
11 assembly which under the Constitution must be published and
12 submitted to a vote of the entire people of the state, the
13 state commissioner of elections shall cause the same to be
14 published, once each month, in at least one newspaper of
15 general circulation in each county in the state, for the time
16 required by the Constitution. If such a newspaper is not
17 published in the county, the public measure shall be posted,
18 once each month, to the official internet sites of the county
19 and all political subdivisions within the county such that the
20 public measure is clearly identifiable and accessible.

21 Sec. 6. Section 49A.3, subsection 1, Code 2024, is amended
22 by adding the following new paragraphs:

23 NEW PARAGRAPH. *c.* Proof of publication on an official
24 internet site of a county shall be made by filing a certificate
25 by the county auditor in the office of the state commissioner
26 of elections that the publication as described in this
27 paragraph has been made as required by law.

28 NEW PARAGRAPH. *d.* Proof of publication on an official
29 internet site of a political subdivision shall be made by
30 filing a certificate by the city clerk of each city and
31 the county auditor of each county containing the political
32 subdivision in the office of the state commissioner of
33 elections that the publication as described in this paragraph
34 has been made as required by law.

35 Sec. 7. Section 181.15, subsection 1, Code 2024, is amended

1 to read as follows:

2 1. The secretary shall provide for the publication of a
3 notice of the referendum for a period of not less than five
4 days in a newspaper of general circulation in the state and
5 in such other newspapers as the secretary may prescribe. The
6 notice of referendum shall set forth the period for voting
7 and the voting places for the referendum and the amount of
8 the state assessment. A referendum shall not be commenced
9 prior to fourteen days after the last day of such period of
10 publication. If no such newspaper is published in the state,
11 the secretary shall submit the notice to the association for
12 publication to the association's official internet site. The
13 association shall publish the notice of the referendum on the
14 association's official internet site such that the notice is
15 clearly identifiable and accessible.

16 Sec. 8. Section 184A.12A, subsection 2, paragraph a, Code
17 2024, is amended to read as follows:

18 a. The department shall publish a notice of the referendum
19 for a period of not less than five days in at least one
20 newspaper of general circulation in the state and for a
21 similar period in other such newspapers as prescribed by the
22 department. If no such newspaper is published in the state,
23 the department shall publish the notice of the referendum to
24 the department's official internet site such that the notice is
25 clearly identifiable and accessible. The notice shall state
26 the voting places, period of time for voting, manner of voting,
27 and other information deemed necessary by the department. A
28 referendum shall not be commenced until five days after the
29 last date of publication.

30 Sec. 9. Section 203.12, Code 2024, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 3. If there are insufficient newspapers
33 to meet the requirements of subsection 2, the department
34 shall satisfy its notice requirements under this section by
35 publishing the notice to the department's official internet

1 site such that the notice is clearly identifiable and
2 accessible.

3 Sec. 10. Section 203C.3, subsection 5, Code 2024, is amended
4 to read as follows:

5 5. When appointed as a receiver under **this chapter**, the
6 department shall cause notification of the appointment to
7 be published once each week for two consecutive weeks in a
8 newspaper of general circulation in each of the counties in
9 which the licensee maintains a business location, and in a
10 newspaper of general circulation in this state. If no such
11 newspaper is published in a county, the department satisfies
12 the publication requirements of this subsection by submitting
13 the notice to the county for publication to the county's
14 official internet site. The county shall publish the notice
15 to the county's official internet site such that the notice is
16 clearly identifiable and accessible.

17 Sec. 11. Section 203D.6, subsection 3, Code 2024, is amended
18 to read as follows:

19 3. *Notice.* The department shall cause notice of the opening
20 of the claim period to be published once each week for two
21 consecutive weeks in a newspaper of general circulation in each
22 of the counties in which the licensee maintains a business
23 location and in a newspaper of general circulation within
24 the state. If no such newspaper of general circulation is
25 published in a county, the department shall submit the notice
26 of the opening of the claim period to the county and the county
27 shall publish the notice of the opening of the claim period to
28 the county's official internet site such that the notice is
29 clearly identifiable and accessible. The notice shall state
30 the name and address of the licensee and the claim incurrence
31 date. The notice shall also state that any claims against the
32 fund on account of the licensee shall be sent by ordinary mail
33 to the department within one hundred twenty days after the
34 incurrence date, and that the failure to make a timely claim
35 relieves the fund from liability to the claimant. This notice

1 may be incorporated by the department with a notice required
2 by [section 203.12](#) or [203C.14](#).

3 Sec. 12. Section 331.305, subsection 1, Code 2024, is
4 amended to read as follows:

5 1. Unless otherwise provided by state law, if notice of an
6 election, hearing, or other official action is required by this
7 chapter, the board shall publish the notice at least once, not
8 less than four nor more than twenty days before the date of the
9 election, hearing, or other action, in one or more newspapers
10 ~~which~~ that meet the requirements of [section ~~618.14~~ 618.3](#).

11 Notice of an election shall also comply with [section 49.53](#). If
12 no such newspaper is published in a county, the notice shall
13 be posted to the county's official internet site such that the
14 notice is clearly identifiable and accessible.

15 Sec. 13. Section 347.13, subsection 11, Code 2024, is
16 amended to read as follows:

17 11. Publish quarterly in each of the official newspapers
18 of the county as selected by the board of supervisors pursuant
19 to [section 349.1](#) the schedule of bills allowed, and publish
20 annually in such newspapers the schedule of salaries paid by
21 job classification and category, but not by listing names of
22 individual employees. The names, business addresses, salaries,
23 and job classification of employees paid in whole or in part
24 from a tax levy shall be a public record and open to inspection
25 at reasonable times as designated by the board of trustees. If
26 no such newspaper is published in a county, the county shall
27 publish quarterly the schedule of bills allowed, and publish
28 annually the schedule of salaries paid by job classification
29 and category, but not by listing names of individual employees,
30 to the county's official internet site such that the notices
31 are clearly identifiable and accessible. The board of trustees
32 is responsible for providing such information to the county for
33 publication to the county's official internet site.

34 Sec. 14. Section 358.40, subsections 3 and 4, Code 2024, are
35 amended to read as follows:

1 3. The board shall examine the petition at its next meeting
2 after its filing or within twenty days of the filing, whichever
3 date is earlier. Within ten days of the meeting, the board
4 shall publish notice of the petition and the date, time, and
5 place of the meeting at which time the board proposes to take
6 action on the petition. The notice shall be published in a
7 newspaper of general circulation published in the district and
8 or, if no such newspaper is published within the district,
9 ~~in a newspaper published in the county in which the major~~
10 ~~part of the district is located~~ the notice shall be posted to
11 the county's official internet site such that the notice is
12 clearly identifiable and accessible. At the board's meeting,
13 or subsequent meetings as necessary, if the petition is found
14 to comply with the requirements of [this section](#) and the board
15 of trustees consents by majority vote, the board of supervisors
16 may provide for payment as requested or modify the method of
17 payment of costs and expenses.

18 4. If the board decides that dissolution is warranted for
19 the best interest of the public, ~~it~~ the board shall publish a
20 notice in a newspaper of general circulation published in the
21 district or, if no such newspaper is published in the district,
22 ~~in a newspaper published in the county in which the major~~
23 ~~part of the district is located~~ the notice shall be posted to
24 the county's official internet site such that the notice is
25 clearly identifiable and accessible and give notice by mail
26 to all known claimants or creditors of the district that it
27 will receive and adjudicate claims against the district for
28 four months from the date the notice is published and shall
29 levy an annual tax as necessary against all property in the
30 district for the number of years required to pay all claims
31 allowed. However, the annual tax levied under [this subsection](#)
32 shall not exceed four dollars per thousand dollars of assessed
33 valuation of the taxable property within the district at the
34 time of dissolution. The levy shall be made in the same manner
35 as provided in [section 76.2](#). After the board makes a specific

1 finding that all indebtedness, costs, and expenses have been
2 paid or levies approved for their payment, the board shall
3 dissolve the district by resolution entered upon its records.
4 The dissolution order shall be noted by the auditor on the
5 county records, showing the date when the dissolution became
6 effective.

7 Sec. 15. Section 362.3, subsection 1, paragraph b, Code
8 2024, is amended to read as follows:

9 b. A publication required by the city code must be
10 in a newspaper published at least once weekly and having
11 general circulation in the city. However, if the city has a
12 population of two hundred or less, or in the case of ordinances
13 and amendments to be published in a city in which no such
14 newspaper is published, a publication may be made by posting
15 in three public places in the city which have been permanently
16 designated by ordinance and by posting to the city's official
17 internet site such that the notice is clearly identifiable and
18 accessible.

19 Sec. 16. Section 362.3, subsection 2, Code 2024, is amended
20 to read as follows:

21 2. In the case of notices of elections, a city with a
22 population of two hundred or less meets the publication
23 requirement of [this section](#) by posting notices of elections in
24 three public places which have been designated by ordinance and
25 by posting to the city's official internet site such that the
26 notice is clearly identifiable and accessible.

27 Sec. 17. Section 384.16, subsection 3, Code 2024, is amended
28 to read as follows:

29 3. Following, and not until, requirements of [section 24.2A](#)
30 are completed, the council shall set a time and place for
31 public hearing on the budget before the final certification
32 date and shall publish notice of the hearing not less than ten
33 nor more than twenty days before the hearing in a newspaper
34 published at least once weekly and having general circulation
35 in the city. However, if the city has a population of two

1 hundred or less, publication may be made by posting in three
2 public places in the city which have been designated by
3 ordinance and by posting to the city's official internet site
4 such that the notice is clearly identifiable and accessible.

5 A summary of the proposed budget and a description of the
6 procedure for protesting the city budget under [section 384.19](#),
7 in the form prescribed by the director of the department
8 of management, shall be included in the notice. Proof of
9 publication of the notice under [this subsection 3](#) must be
10 filed with the county auditor. The department of management
11 shall prescribe the form for the public hearing notice for use
12 by cities.

13 Sec. 18. Section 441.7, subsection 2, Code 2024, is amended
14 to read as follows:

15 2. The director of revenue shall conduct no more than
16 one special examination for each vacancy in an assessing
17 jurisdiction. The examination shall be conducted by the
18 director of revenue as provided in [section 441.5](#), except as
19 otherwise provided in [this section](#). The examining board
20 shall give notice of holding the examination for assessor by
21 posting a written notice in a conspicuous place in the county
22 courthouse in the case of county assessors or in the city hall
23 in the case of city assessors, stating that at a specified
24 date, an examination for the position of assessor will be held
25 at a specified place. Similar notice shall be given at the
26 same time by one publication of the notice in three newspapers
27 of general circulation in the case of a county assessor, or in
28 case there are not three such newspapers in a county, then in
29 such newspapers which are available, ~~or in one newspaper of~~
30 ~~general circulation in the city in the case of city assessor~~
31 and on the county's official internet site such that the
32 notice is clearly identifiable and accessible. In the case
33 of city assessor, notice shall be given by one publication in
34 one newspaper of general circulation. If no such newspaper
35 exists, notice shall be published on the official internet site

1 of the city such that the notice is clearly identifiable and
2 accessible.

3 Sec. 19. Section 455B.305A, subsection 1, Code 2024, is
4 amended by adding the following new paragraph:

5 NEW PARAGRAPH. c. If a newspaper is not published in
6 a county, a county satisfies the notice requirements of
7 paragraph "b" by publishing the notice to the county's official
8 internet site such that the notice is clearly identifiable and
9 accessible.

10 Sec. 20. Section 455B.305A, subsection 3, paragraph b, Code
11 2024, is amended to read as follows:

12 b. Written notice shall be published in the official
13 newspaper of the county in which the site is located. The
14 notice shall state the name and address of the applicant, the
15 location of the proposed site, the nature and size of the
16 development, the nature of the activity proposed, the probable
17 life of the proposed activity, the date when the request for
18 site approval will be submitted, and a description of the right
19 of persons to comment on the request. If such a newspaper
20 is not published in a county, a county satisfies the notice
21 requirements of this paragraph by publishing the notice to the
22 county's official internet site such that the notice is clearly
23 identifiable and accessible.

24 Sec. 21. Section 455B.305A, subsection 5, Code 2024, is
25 amended to read as follows:

26 5. At least one public hearing shall be held by the city
27 council or county board of supervisors no sooner than ninety
28 days but no later than one hundred twenty days from receipt of
29 the request for siting approval. A hearing shall be preceded
30 by published notice in an official newspaper of the county
31 of the proposed site, including in any official newspaper
32 located in the city of the proposed site. If such a newspaper
33 is not published in a county, a county satisfies the notice
34 requirements of this subsection by publishing the notice to the
35 county's official internet site such that the notice is clearly

1 identifiable and accessible. If a newspaper is not published
2 in a city, a city satisfies the notice requirements of this
3 subsection by publishing the notice to the city's official
4 internet site such that the notice is clearly identifiable and
5 accessible.

6 Sec. 22. Section 533.405, subsection 5, paragraph b, Code
7 2024, is amended by adding the following new subparagraph:

8 NEW SUBPARAGRAPH. (3) If a newspaper is not published
9 in a county, the state credit union satisfies the notice
10 requirements of this section by submitting the notice to each
11 county in which the state credit union maintains an office or
12 branch for publication to the county's official internet site.
13 Each county shall publish the notice to the county's official
14 internet site such that the notice is clearly identifiable and
15 accessible.

16 Sec. 23. Section 618.3, subsection 1, Code 2024, is amended
17 to read as follows:

18 1. Is a newspaper of general circulation that is currently
19 published in physical paper form and has been published in
20 physical paper form at least once a week for at least fifty
21 weeks per year within the area and regularly mailed through the
22 post office of entry for at least two years.

23 Sec. 24. Section 618.14, subsection 2, Code 2024, is amended
24 to read as follows:

25 2. In the event there is no such newspaper published in
26 such municipality or political subdivision ~~or in the event~~
27 ~~publication in more than one such newspaper is desired,~~
28 ~~publication may be made in any such newspaper having general~~
29 ~~circulation in such municipality or political subdivision, the~~
30 municipality or political subdivision may publish any matter
31 of general public importance to the official internet site
32 of the municipality or political subdivision such that the
33 matter of general public importance is clearly identifiable and
34 accessible.

35 Sec. 25. Section 618.8, Code 2024, is amended to read as

1 follows:

2 **618.8 Refusal to publish.**

3 ~~If publication be refused when copy therefor, with the~~
4 ~~cost or security for payment of the cost, is tendered, such~~
5 ~~publication may be made in some other newspaper of general~~
6 ~~circulation at or nearest to the county seat, with the same~~
7 ~~effect as if made in the newspaper so refusing~~ If a newspaper
8 refuses to publish a statutorily required public notice, a
9 governmental body, as defined in section 21.2, satisfies
10 public notice requirements with respect to that public
11 notice by publishing the public notice on the governmental
12 body's official internet site such that the notice is clearly
13 identifiable and accessible.

14 Sec. 26. Section 618.18, Code 2024, is amended by striking
15 the section and inserting in lieu thereof the following:

16 **618.18 Timely publication required.**

17 1. If a governmental body pays a newspaper to publish a
18 statutorily required public notice and the newspaper fails
19 to timely or accurately publish the statutorily required
20 public notice, the governmental body's notice requirements
21 are satisfied if the governmental body timely and accurately
22 published the same information to the governmental body's
23 official internet site such that the notice is clearly
24 identifiable and accessible.

25 2. If a newspaper receives payment to publish a statutorily
26 required public notice and fails to timely or accurately
27 publish the notice, the newspaper shall refund all moneys
28 received to publish the notice to the governmental body that
29 paid to publish the notice.

30 3. A dispute arising under this section shall be heard by
31 the Iowa public information board created pursuant to section
32 23.3 as a contested case proceeding under chapter 17A.

33 4. For purposes of this section, "governmental body" means
34 the same as defined in section 21.2.

35 Sec. 27. NEW SECTION. **618.19 Insufficient newspapers.**

1 If the territory of a governmental body, as defined
2 in section 21.2, does not include sufficient newspapers
3 to effectuate a statutorily required public notice, the
4 governmental body satisfies public notice requirements with
5 respect to that public notice by publishing the public notice
6 on the governmental body's official internet site such that the
7 notice is clearly identifiable and accessible.

8

EXPLANATION

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

11 This bill relates to official publications by governmental
12 bodies, defined in the bill. The bill requires that a
13 newspaper used for official publication be one that is
14 currently published in a physical format. If a governmental
15 body pays a newspaper to publish a public notice but the
16 newspaper fails to timely or accurately publish the public
17 notice, the bill provides that the notice requirements are
18 nevertheless satisfied if the governmental body timely and
19 accurately published the notice on the governmental body's
20 official internet site such that the notice is clearly
21 identifiable and accessible. The bill requires a newspaper
22 that fails to publish a public notice for which it received
23 payment to refund all moneys received for the publication to
24 the governmental body that made the payment. The bill requires
25 disputes regarding publication and payment to be heard by the
26 Iowa public information board as a contested case proceeding.

27 The bill changes alternative publication options in
28 circumstances where a sufficient number of newspapers do not
29 exist. If a sufficient number of newspapers to meet statutory
30 publication requirements do not exist within the territory of
31 a governmental body, the bill allows the governmental body
32 to satisfy statutory publication requirements by publishing
33 the notice to the governmental body's official internet site
34 such that the notice is clearly identifiable and accessible.
35 The bill strikes provisions allowing publication in certain

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1 alternative newspapers if a sufficient number of newspapers to
2 meet statutory publication requirements do not exist within the
3 territory of a governmental body.