

Senate File 546 - Reprinted

SENATE FILE 546

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 480)

(SUCCESSOR TO SSB 1190)

(As Amended and Passed by the Senate April 20, 2023)

A BILL FOR

1 An Act relating to the publication of certain public notices
2 by designated public entities, and including effective date
3 provisions.

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

1 Section 1. Section 75.2, Code 2023, is amended to read as
2 follows:

3 **75.2 Notice of sale.**

4 When public bonds are offered for sale, the official in
5 charge of the bond issue shall, ~~by advertisement published~~
6 ~~at least once, the last one of which shall be not less than~~
7 ~~four nor more than twenty days before the sale in a newspaper~~
8 ~~located in the county or a county contiguous to the place of~~
9 ~~sale, give notice of the time and place of sale of the bonds,~~
10 ~~the amount to be offered for sale, and any further information~~
11 ~~which the official deems pertinent~~ by publishing the time and
12 place of sale of the bonds, the amount to be offered for sale,
13 and any additional information the official deems pertinent
14 to the bond issue not less than four nor more than twenty
15 days before the sale in at least one electronic or written
16 publication with nationwide circulation that is recognized for
17 providing information regarding the sale of public bonds or in
18 a newspaper located in the county or a county contiguous to the
19 place of sale.

20 Sec. 2. Section 273.3, subsection 12, Code 2023, is amended
21 to read as follows:

22 12. Prepare an annual budget estimating income and
23 expenditures for programs and services as provided in sections
24 273.1, 273.2, this section, sections 273.4 through 273.8, and
25 chapter 256B within the limits of funds provided under section
26 256B.9 and chapter 257. The board shall post notice of a
27 public hearing on the proposed budget on the area education
28 agency's internet site and ~~by publication in the newspaper of~~
29 ~~general circulation in the territory of the area education~~
30 ~~agency in which the principal place of business of a school~~
31 ~~district that is a part of the area education agency is located~~
32 or in the manner prescribed in section 279.36. The notice
33 shall specify the date, which shall be not later than March
34 1 of each year, the time, and the location of the public
35 hearing. The proposed budget as approved by the board shall

1 then be submitted to the state board of education, on forms
2 provided by the department, no later than March 15 preceding
3 the next fiscal year for approval. The state board shall
4 review the proposed budget of each area education agency and
5 shall before May 1, either grant approval or return the budget
6 without approval with comments of the state board included. An
7 unapproved budget shall be resubmitted to the state board for
8 final approval not later than May 15. The state board shall
9 give final approval only to budgets submitted by area education
10 agencies accredited by the state board or that have been given
11 conditional accreditation by the state board.

12 Sec. 3. Section 279.6, subsection 1, paragraph a, Code 2023,
13 is amended to read as follows:

14 a. Except as provided in paragraph "b" and [subsection 2](#),
15 vacancies occurring among the officers or members of a school
16 board shall be filled by the board by appointment. A person
17 so appointed to fill a vacancy in an elective office shall
18 hold office until a successor is elected and qualified at the
19 next regular school election, unless there is an intervening
20 special election for the school district, in which event a
21 successor shall be elected at the intervening special election,
22 in accordance with [section 69.12](#). To fill a vacancy occurring
23 among the members of a school board, the board shall publish
24 notice either on the board's internet site or in the manner
25 prescribed by [section 279.36](#), stating that the board intends to
26 fill the vacancy by appointment but that the electors of the
27 school district have the right to file a petition requiring
28 that the vacancy be filled by a special election conducted
29 pursuant to [section 279.7](#). The board may publish notice in
30 advance if a member of the board submits a resignation to take
31 effect at a future date. The board may make an appointment to
32 fill the vacancy after the notice is published or after the
33 vacancy occurs, whichever is later.

34 Sec. 4. Section 279.6, subsection 1, paragraph b,
35 subparagraphs (1) and (2), Code 2023, are amended to read as

1 follows:

2 (1) If within fourteen days after ~~publication of a~~ providing
3 notice required pursuant to paragraph "a" for a vacancy that
4 occurs more than one hundred eighty days before the next
5 regular school election, or after the filing period closes
6 pursuant to section 277.4, subsection 1, for the next regular
7 school election, there is filed with the secretary of the
8 school board a petition requesting a special election to fill
9 the vacancy, an appointment to fill the vacancy is temporary
10 until a successor is elected and qualified, and the board shall
11 call a special election pursuant to section 279.7, to fill the
12 vacancy for the remaining balance of the unexpired term.

13 (2) If within fourteen days after ~~publication of a~~ providing
14 notice required pursuant to paragraph "a" for a vacancy that
15 occurs one hundred eighty days or less but more than forty days
16 before the next regular school election there is filed with the
17 secretary of the school board a petition requesting to fill
18 the vacancy by election, an appointment to fill the vacancy is
19 temporary until a successor is elected and qualified, and the
20 school board shall require that the remaining balance of the
21 unexpired term be filled at the next regular school election.

22 Sec. 5. Section 618.1, Code 2023, is amended to read as
23 follows:

24 **618.1 ~~Publications in English~~ Publication requirements.**

25 1. All notices, proceedings, and other matter whatsoever,
26 required by law or ordinance to be published in a newspaper,
27 shall be published only in the English language and in official
28 newspapers published primarily in the English language.

29 2. a. All publications made in an official newspaper at the
30 rates contained in section 618.11 shall also be posted by the
31 official newspaper to the official newspaper's internet site
32 within forty-eight hours of receipt from the public posting
33 entity, independent of the publication schedule of the official
34 newspaper's printed version and not subject to any paywall or
35 subscription.

1 b. A public posting entity's statutory notice requirement
2 is satisfied as soon as a statutorily required public notice
3 is posted pursuant to this subsection regardless of whether
4 the statutorily required public notice has been printed in the
5 official newspaper's printed version.

6 3. If no official newspaper exists in a public posting
7 entity's jurisdiction, the public posting entity satisfies the
8 requirements of this chapter by posting a statutorily required
9 public notice to the public posting entity's official internet
10 site or the relevant county's official internet site, and as
11 provided in section 4.

12 4. A public posting entity shall also post a physical
13 copy of a required public notice on a bulletin board or other
14 prominent place which is easily accessible to the public and
15 clearly designated for that purpose at the principal office of
16 the public posting entity, or if no such office exists, at the
17 building in which a meeting is to be held, if applicable.

18 5. An official newspaper shall cross reference and
19 publicize between the official newspaper's printed version and
20 the official newspaper's internet site.

21 6. A print-only newspaper shall cross reference and
22 publicize between the print-only newspaper's official
23 newspaper's printed version and the consolidated official
24 newspaper internet site for statutorily required public notices
25 utilized to satisfy section 618.3(6).

26 7. Nothing in this chapter modifies the duty of a public
27 posting entity to make public use copies of required notices
28 available to the public as otherwise required by law.

29 8. Nothing in this chapter modifies a public posting
30 entity's requirement to keep a record of statutorily required
31 public postings if another section requires such records to be
32 kept.

33 **Sec. 6. NEW SECTION. 618.1A Definitions.**

34 For the purposes of this chapter, unless the context
35 otherwise requires:

1 1. "*Consolidated official newspaper internet site for*
2 *statutorily required public notices*" means an internet site
3 owned and operated by an entity the membership of which
4 is solely comprised of official newspapers meeting the
5 requirements of section 618.3 and which provides access to
6 statutorily required public notices not subject to any paywall
7 or subscription and which additionally functions such that
8 members of the public may search for specific statutorily
9 required public notices and may subscribe to receive
10 notifications when a specific public posting entity posts a
11 statutorily required public notice.

12 2. "*Cross reference and publicize*" means providing
13 sufficient information such that a reasonable person would
14 know that the same information is contained in two or more
15 locations.

16 3. "*Official internet site*" means the internet site used
17 by a public posting entity to conduct or communicate official
18 business and information.

19 4. "*Official newspaper*" means a newspaper meeting the
20 requirements of section 618.3.

21 5. "*Official newspaper's internet site*" means an internet
22 site owned and operated by an official newspaper to publish an
23 electronic version of the official newspaper.

24 6. "*Official newspaper's printed version*" means the physical
25 version of an official newspaper.

26 7. "*Paywall*" or "*subscription*" means a fee charged by an
27 official newspaper to members of the public to receive or
28 access printed or electronic publications of the official
29 newspaper.

30 8. "*Print-only newspaper*" means a newspaper that does not
31 own or operate an official newspaper internet site to publish
32 the newspaper's printed version.

33 9. "*Publication schedule*" means the time of and interval
34 between the publication of an official newspaper's printed
35 version.

1 10. *"Public posting entity"* means the state of Iowa, a
2 county, a city, a public school district, a private agency as
3 defined in section 28E.2, a public agency as defined in section
4 28E.2, or any other public entity who is required by law or
5 ordinance to post a public notice.

6 11. *"Statutorily required public notice"* means a notice
7 required by the Iowa Code to be made available to members of
8 the public.

9 Sec. 7. Section 618.3, subsection 3, Code 2023, is amended
10 to read as follows:

11 3. Devotes at least ~~twenty-five~~ forty percent of its total
12 column space in more than one-half of its issues during any
13 twelve-month period to information of a public character other
14 than advertising.

15 Sec. 8. Section 618.3, Code 2023, is amended by adding the
16 following new subsections:

17 NEW SUBSECTION. 5. Has an official newspaper's internet
18 site that provides public access to statutorily required public
19 notices that are to be published in the official newspaper's
20 printed version independent of the publication schedule of
21 the official newspaper's printed version and not subject to
22 a paywall or subscription. A print-only newspaper is exempt
23 from the requirements of this subsection provided that the
24 print-only newspaper posts statutorily required public notices
25 received from public posting entities to a consolidated
26 official newspaper internet site for statutorily required
27 public notices.

28 Sec. 9. EFFECTIVE DATE. This Act takes effect January 1,
29 2025.