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)
ALL New Language by the Senate

## A BILL FOR

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

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

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

**75.2 Notice of sale.**

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

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

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

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

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

*a.* Except as provided in paragraph *"b"* and subsection 2, vacancies occurring among the officers or members of a school board shall be filled by the board by appointment. A person so appointed to fill a vacancy in an elective office shall hold office until a successor is elected and qualified at the next regular school election, unless there is an intervening special election for the school district, in which event a successor shall be elected at the intervening special election, in accordance with section 69.12. To fill a vacancy occurring among the members of a school board, the board shall publish notice either on the board's internet site or in the manner prescribed by section 279.36, stating that the board intends to fill the vacancy by appointment but that the electors of the school district have the right to file a petition requiring that the vacancy be filled by a special election conducted pursuant to section 279.7. The board may publish notice in advance if a member of the board submits a resignation to take effect at a future date. The board may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later.

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

follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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