SENATE FILE 2331
BY COMMITTEE ON TECHNOLOGY

(SUCCESSOR TO SSB 3107)

(As Amended and Passed by the Senate February 21, 2024)

_____ = New Language by the Senate

* = Language Stricken by the Senate

A BILL FOR

An Act relating to publication requirements for official publications, and including effective date provisions.

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

Section 1. Section 372.13, subsection 6, Code 2024, is amended to read as follows:

6. Within fifteen days following a regular or special meeting of the council, the clerk shall cause the minutes of the proceedings of the council, including the total expenditure from each city fund, to be ~~published in~~ delivered to a newspaper of general circulation in the city for publication. The publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claims. The list of claims allowed shall show the name of the person or firm making the claim, the reason for the claim, and the amount of the claim. If the reason for the claims is the same, two or more claims made by the same vendor, supplier, or claimant may be consolidated if the number of claims consolidated and the total consolidated claim amount are listed in the statement. However, the city shall provide at its office upon request an unconsolidated list of all claims allowed. Matters discussed in closed session pursuant to section 21.3 shall not be published until entered on the public minutes. However, in cities having more than one hundred fifty thousand population, the council shall each month print in pamphlet form a detailed itemized statement of all receipts and disbursements of the city, and a summary of its proceedings during the preceding month, and furnish copies to the city library, the daily newspapers of the city, and to persons who apply at the office of the city clerk, and the pamphlet shall constitute publication as required. Failure by the clerk to make publication is a simple misdemeanor. The provisions of this subsection are applicable in cities in which a newspaper is published, or in cities of two hundred population or over, but in all other cities, posting the statement in three public places in the city which have been permanently designated by ordinance is sufficient compliance with this subsection.

Sec. 2. Section 618.3, Code 2024, is amended to read as follows:

618.3 Requirements for newspaper for official publication.

For the purpose of establishing and giving assured circulation to all notices and reports of proceedings required by statute to be published within the state, if newspapers are required to be used, only a newspaper which meets all of the following requirements shall be designated for official publication purposes:

1. Is a newspaper of general circulation that has been published at least once a week for at least fifty weeks per year within the area and regularly mailed through the post office of entry for at least ~~two years~~ one year.

2. Has a list of subscribers who have paid, or promised to pay, at more than a nominal rate, for copies to be received during a stated period.

3. Devotes at least twenty-five 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.

4. Is paid for by at least fifty percent of the persons or subscribers to whom it is distributed.

5. If the newspaper operates an internet site, the newspaper must do one of the following:

a. Provide free access on the homepage of the internet site to all public notices posted on the internet site. The link providing free access to public notices must be displayed conspicuously.

b. Display a link conspicuously on the homepage of the internet site of the newspaper to the statewide public notice internet site established pursuant to section 618.3A if such an internet site exists.

6. Publish the address of the statewide public notice internet site established pursuant to section 618.3A, if such an internet site exists, in each edition of the newspaper in the section of the newspaper regularly designated for the publication of public notices, and on the section of

the newspaper's internet site regularly designated for the publication of public notices, if the newspaper operates an internet site.

7. Post all notices and reports of proceedings required by statute to be published within the state by the newspaper to the statewide public notice internet site established pursuant to section 618.3A, if such an internet site exists, at no additional cost, and within seventy-two hours of receipt of the notice or report of proceedings.

Sec. 3. NEW SECTION. **618.3A Statewide public notice internet site.**

1. A statewide association representing a majority of newspapers in the state shall operate and maintain a statewide public notice internet site containing all notices and reports of proceedings required by statute to be published within the state by newspapers.

2. To qualify as a statewide public notice internet site, an internet site must meet all of the following requirements:

a. Public notices and reports of proceedings shall be available to the public at no cost.

b. The internet site must allow a person to search for a notice by criteria contained in the public notice or report of proceedings.

c. The internet site must provide access to all public notices and reports of proceedings for at least one year after initial publication.

d. The internet site must allow access through the use of common internet browsers.

e. The internet site must provide a method to allow members of the public to subscribe to alerts of public notices and reports of proceedings by means of electronic mail notifications.

Sec. 4. NEW SECTION. 618.3B **No official newspaper in county.**

If no newspaper meeting the requirements of section 618.3

is published in a county, public notice requirements are satisfied with respect to government bodies, as defined in section 22.1, within that county and that county by causing a notice or report of proceedings to be posted on the official internet site of the county, the official internet site of the government body required to publish the public notice, and the statewide public notice internet site established pursuant to section 618.3A if such an internet site exists.

Sec. 5. Section 618.8, Code 2024, is amended by striking the section and inserting in lieu thereof the following:

618.8 Refusal to publish.

If a newspaper refuses to publish a statutorily required public notice, a government body, as defined in section 22.1, satisfies public notice requirements with respect to that public notice by publishing the public notice on the official internet site of the government body and forwarding the notice to each county in which notice is required to be given to any person and to the statewide public notice internet site established pursuant to section 618.3A if such an internet site exists. A county receiving a public notice pursuant to this section shall publish the public notice on the county's internet site within seventy-two hours of receipt. The statewide public notice internet site shall publish a public notice forwarded pursuant to this section within seventy-two hours of receipt.

Sec. 6. Section 618.11, Code 2024, is amended to read as follows:

618.11 Fees for publication and proof of publication.

1. The compensation, when not otherwise fixed, for the publication in a newspaper of any notice, order, citation, or other publication required or allowed by law shall be at a rate of thirty-four cents for one insertion and twenty-three cents for each subsequent insertion for each line of eight point type two inches in length, or its equivalent. Beginning June 1, 2001, and each June 1 thereafter, the director of

the department of administrative services shall calculate a new rate for the following fiscal year as prescribed in this ~~section~~ subsection, and shall publish this rate as a notice in the Iowa administrative bulletin prior to the first day of the following calendar month. The new rate shall be effective on the first day of the calendar month following its publication. The rate shall be calculated by applying the percentage change in the consumer price index for all urban consumers for the last available twelve-month period published in the federal register by the federal department of labor, bureau of labor statistics, to the existing rate as an increase or decrease in the rate rounded to the nearest one-tenth of a cent. The calculation and publication of the rate by the director of the department of administrative services shall be exempt from the provisions of chapters 17A and 25B.

2. A newspaper shall not charge a fee to a government body, as defined in section 22.1, for proof of publication of a public notice.

Sec. 7. Section 618.18, Code 2024, is amended by striking the section and inserting in lieu thereof the following:

618.18 Timely publication required.

1. A newspaper shall publish all public notices and reports of proceedings that are required by law to be published by a certain date within seventy-two hours of receipt unless one of the following applies:

a. The newspaper publishes less than daily, in which case the newspaper shall publish the public notice or report of proceedings within forty-eight hours of the next scheduled publication of the newspaper.

b. The government body, as defined in section 22.1, did not submit the public notice or report of proceedings in a typed format.

2. A newspaper that receives payment to publish a statutorily required public notice and fails to timely or accurately publish the public notice as required by subsection

1 1 shall refund all moneys received to publish the notice to the
2 government body that paid to publish the notice.
3 3. A government body, as defined in section 22.1, satisfies
4 public notice requirements with respect to a statutorily
5 required public notice that was untimely or inaccurately
6 published by a newspaper if the government body timely and
7 accurately published the public notice on the official internet
8 site of the government body and all counties in which notice is
9 required to be given to any person.
10 Sec. 8. NEW SECTION. **618.19 Disputes — resolution.**
11 A dispute arising between a government body, as defined in
12 section 22.1, and a newspaper regarding the publication of a
13 notice or report of proceedings under this chapter shall be
14 heard by the Iowa public information board created pursuant
15 to section 23.3 as a contested case proceeding pursuant to
16 chapter 17A. The Iowa public information board shall award the
17 prevailing party reasonable costs and attorney fees.
18 Sec. 9. EFFECTIVE DATE. The following, being deemed of
19 immediate importance, take effect upon enactment:
20 1. The section of this Act amending section 372.13,
21 subsection 6.
22 2. The section of this Act amending section 618.8.
23 3. The section of this Act amending section 618.11.
24 4. The section of this Act amending section 618.18.
25 5. The section of this Act enacting section 618.3B.
26 Sec. 10. EFFECTIVE DATE. The following take effect July 1,
27 2025:
28 1. The section of this Act amending section 618.3.
29 2. The section of this Act enacting section 618.3A.