

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill updates and revises the laws governing publication of political subdivisions' public notices. Among the changes made, it provides for publication on the newspaper's web site and for political subdivisions to publish notices by alternative means in certain circumstances. It also requires the Revisor of Statutes to compile a list by January 1, 2006, of all the statutes requiring publication of public notices.

#### Section

- 1** **Publication of notice and list (delinquent property taxes).** Directs the county to insure that the publication is made instead of specifying that the county auditor is responsible.

Changes the timing and content of the two publications of the list of properties for which taxes have not been paid. Requires the county to deliver the list to the newspaper at least ten days, not 20, before the first publication date.

Lengthens the time between the first and second notices, and requires amending the list published the second time to remove any property for which the delinquent taxes were paid after the first notice. Specifically, requires the second newspaper publication of the list of delinquent real property to be made not less than two weeks after the first publication instead of one week later. Requires the county to submit a revised list to the newspaper not less than five days before the second publication. Requires removal of any property for which the delinquent taxes have been paid since the first publication.

**Section**

- 2 **Publication and related costs (delinquent property taxes).** Allows the county to set the service fee as it determines to be necessary, to cover costs of publication and other costs in dealing with delinquent real property.
- 3 **Known office of issue (qualified newspapers) .** Amends the definition of "known office of issue" to mean the newspaper's principal office devoted primarily to business related to the newspaper. Strikes language relating to the office of the publisher or managing officer.
- 4 **Political subdivision (qualified newspapers).** Changes the term "local public corporation" to "political subdivision." This does not change what is included in the term (county, municipality, school district, or any other local political subdivision or local or area district, commission, board, or authority).
- 5 **Proceedings (qualified newspapers).** Technical.
- 6 **Secondary office (qualified newspapers).** Strikes language that requires determining intent of a newspaper in establishing a secondary office.
- 7 **Summary (qualified newspapers).** Adds financial statements to the list of materials that may be summarized that are included in the definition of "summary."

Requires a summary published to indicate that the full text is available for public inspection by standard or electronic mail, as an alternative to a specific location.

Makes a conforming change.

- 8 **Qualification (qualified newspapers).** Makes technical changes. In addition, provides that a qualified newspaper that is not a daily paper may be one that is distributed twice a month, not once a week, with respect to publishing government public notices.
- 9 **Publication; suspension; changes (qualified newspapers).** Technical.
- 10 **Declaratory judgment of legality (qualified newspapers).** Technical.
- 11 **Posting notices on web site (qualified newspapers).** Requires a qualified newspaper that maintains a web site to post official notices on its web site at no additional cost, as a condition of being the designated newspaper. The web postings must be maintained on the site for the notice's full publication period. Provides that failure to post on the newspaper's web site does not affect the validity of the public notice.
- 12 **Generally (qualified newspapers).** Technical.
- 13 **Alternative dissemination of bids and requests (qualified newspapers).** Permits a political subdivision to disseminate solicitations for bids, requests for information, and requests for proposals by posting on the political subdivision's web site or in a recognized industry trade journal as long as the posting is in substantially the same format and for the same period of time as a publication in a qualified newspaper, if the political subdivision publishes in its qualified newspaper a notice describing all solicitations and requests disseminated by the alternative means. Requires simultaneous newspaper and alternative publication for the first six months after designating an alternative.
- 14 **Designation of newspaper for official publications.** Technical changes in subdivisions 1 to 6.

**Subd. 7. Joint bidding.** Permits two or more newspapers to bid jointly for publication of public notices without it being considered anticompetitive or unlawful if conditions are met.

- 15 **Type face (qualified newspapers).** Adds that a different type size may be required by a court order.

## Section

- 16 Title or caption (qualified newspapers).** Requires public notice titles to be in bold face type.
- 17 Local options (qualified newspapers).** Allows a political subdivision to disseminate public notices by standard or electronic mail in addition to publication in newspapers. Makes technical changes.
- 18 Errors in publication (qualified newspapers).** Technical.
- 19 Notice regarding published summaries (qualified newspapers).** Provides that if a political subdivision publishes a summary of proceedings or its financial statement, it must include a notice that a full version is available without cost at the political subdivision's offices or by standard or electronic mail.
- 20** Technical.
- 21 Multiyear publication contracts (qualified newspapers).** Permits a political subdivision to enter into a multiyear contract with a qualified newspaper. Permits the contract to be for up to three years.
- 22 Affidavit of publication (qualified newspapers).** Strikes duplicative language. Makes technical changes.
- 23 Publication of proceedings (qualified newspapers).** Permits publication of a political subdivision's meeting minutes ten days after the minutes are approved when meetings are not more than once every 30 days.
- 24 Publication on Sunday or holiday (qualified newspapers).** Permits lawful publication of public notices on holidays in addition to Sundays.
- 25 Change of name (qualified newspapers).** Technical.
- 26 Application (qualified newspapers).** Technical.
- 27 Notices excluded (qualified newspapers).** Provides that a reference to the law requiring publication in a qualified newspaper may be express or implied in the provision that excludes private agreements and local laws from publication requirements.
- 28 Small claims totaled (county boards).** Increases from \$100 to \$300 the threshold amount for individually listing a claim in the published notice of small claims against the county.
- 29 Statement contents; summaries (county boards).** Strikes the requirement that the Attorney General and the state printer approve the form used by a county for its financial statement and summary.
- 30 Publication of proceedings (statutory cities).** Strikes language authorizing publication of a "condensed version" of minutes, which appears to duplicate the authority to publish a summary (which remains).
- 31 All operations except some hospitals, nursing homes (cities of less than 2,500 population).** Permits the city to publish a summary of the financial statement without limitation. Increases the threshold amount of individual disbursements made that must be published from \$100 to \$300.
- 32 Report on public notice statutes.** Directs the Revisor of Statutes to compile a list of all statutes requiring publication of public notices for the chairs of the House and Senate government operations committees by January 1, 2006.
- 33 Repealer.** Repeals the definition of "newspaper" in the statute governing qualified newspapers. Repeals a provision that allowed newspapers designated as the official publication for a local government before May 20, 1965, to remain the designated newspapers even if they did not meet the requirements of a qualified newspaper.