

SENATE BILL REPORT

SB 5283

**AS REPORTED BY COMMITTEE ON GOVERNMENT OPERATIONS,
FEBRUARY 16, 1993**

Brief Description: Revising publication requirements for notice of actions by counties, cities, and towns.

SPONSORS: Senators Haugen and Winsley

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 5283 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Staff: Katie Healy (786-7784)

Hearing Dates: February 5, 1993; February 16, 1993

BACKGROUND:

Promptly after adopting an ordinance, first, second, and third class cities, unclassified cities, towns, and code cities must publish the text or a summary of the content of each ordinance at least once in the city or town's official newspaper. A summary is a brief description of the main points of the ordinance. When a summary is published, a statement that the full text of the ordinance is mailed upon request is included. An inadvertent mistake or omission in the publication of the text or summary does not render the ordinance invalid.

When any county, city, or town is required by law to publish legal notices containing the full text of any proposed or adopted ordinance in a newspaper, the county, city, or town may publish a summary of the ordinance approved by the governing body. The summary includes the name of the county, city or town, the formal identification or citation number of the ordinance, a descriptive title of the ordinance, a section-by-section summary, any other information which is necessary to provide a complete summary, and a statement that the full text will be mailed upon request. If the ordinance contains provisions regarding taxation or penalties or contains legal descriptions of real property, the sections containing this information are published in full. The full text of any ordinance is mailed without charge to any person upon request.

SUMMARY:

For all classified and unclassified cities, towns, and code cities, the title of each ordinance is published promptly after adoption at least once in the official city or town

newspaper. The publication includes the city or town name, the formal identification or citation number of the ordinance, the full title of the ordinance, and a statement that the full text will be mailed upon request. The full text is mailed without charge to the person making the request.

Any county, city, or town previously required to publish the full text of any proposed or adopted ordinance may publish the title of the ordinance. The publication includes the name of the county, city, or town, the formal identification or citation number of the ordinance, the full title of the ordinance and a statement that the full text will be mailed upon request. The full text is mailed without charge. The publishing requirement of complete sections of ordinances containing provisions regarding taxation or penalties or containing legal descriptions of real property is deleted.

EFFECT OF PROPOSED SUBSTITUTE:

A city, town or county is given the option to publish the title or the full text of each ordinance adopted. When just the title of the ordinance is published, the statement that the full text of the ordinance will be mailed upon request limits the request period for free copies to 90 days after publication of the title.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

The bill is intended to be a technical measure in an effort to be more cost-effective. Sometimes the expense for an attorney to draft a summary of an ordinance is as much as the cost of drafting the ordinance itself. There is a desire to have the certainty of knowing that if the title of the ordinance is published, all legal requirements have been met. Some ordinances go on for pages with boilerplate language, which makes the cost of publishing prohibitive at times.

TESTIMONY AGAINST:

The public has an interest in receiving at the least a full summary of the ordinances, if not the full text.

TESTIFIED: Stan Finkelstein, AWC (pro); Hugh Spitzer, Foster Pepper & Shefelman, AWC (pro); Roland Thompson, Allied Daily Newspapers (con)