

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 166

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO NEWSPAPER PUBLICATION OF OFFICIAL NOTICES; AMENDING SECTION
2 60-105, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE RATES TO BE
3 CHARGED FOR THE PUBLICATION OF OFFICIAL NOTICES; REPEALING SECTION
4 60-106, IDAHO CODE, RELATING TO THE QUALIFICATIONS OF NEWSPAPERS PRINT-
5 ING LEGAL NOTICES; AMENDING SECTION 60-106A, IDAHO CODE, TO REVISE
6 PROVISIONS REGARDING THE ELECTRONIC PUBLICATION OF LEGAL NOTICES BY
7 NEWSPAPERS AND TO REDESIGNATE THE SECTION; AND AMENDING CHAPTER 1,
8 TITLE 60, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 60-106A, IDAHO
9 CODE, TO PROVIDE FOR THE QUALIFICATIONS OF NEWSPAPERS PRINTING LEGAL
10 NOTICES AND TO PROVIDE FOR THE NUMBER OF TIMES A NOTICE MUST BE PUBLISHED
11 NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW.
12

13 Be It Enacted by the Legislature of the State of Idaho:

14 SECTION 1. That Section 60-105, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 60-105. RATES FOR OFFICIAL NOTICES. (1) On and after ~~October 1, 2007~~
17 July 1, 2019, the rate to be charged for all official notices required by
18 law to be published ~~in online by any newspaper in this state, by any state,~~
19 county, municipal official, or other person, shall be as follows: seven and
20 one-half cents (7.5¢) for each pica in a column line for the first insertion
21 and six and one-half cents (6.5¢) for each pica in a column line for each sub-
22 sequent insertion. For table and figure matter, the rate shall be eight and
23 one-half cents (8.5¢) for each pica in a column line for the first insertion,
24 and six and one-half cents (6.5¢) for each pica in a column line for each sub-
25 sequent insertion. In the event that a column line ends in a one-half (1/2)
26 pica measurement, the rate for such one-half (1/2) pica shall be one-half
27 (1/2) the rate established for a full pica for the type of matter set forth
28 herein. For purposes of this section, the type used shall not be smaller than
29 seven (7) point nor greater than eight (8) point no more than twenty dollars
30 (\$20.00) per official notice.

31 (2) On and after October 1, 2008, the rate to be charged for all offi-
32 cial notices required by law to be published in any newspaper in this state,
33 by any state, county, municipal official, or other person, shall be as fol-
34 lows: eight cents (8¢) for each pica in a column line for the first insertion
35 and seven cents (7¢) for each pica in a column line for each subsequent in-
36 sertation. For table and figure matter, the rate shall be nine cents (9¢) for
37 each pica in a column line for the first insertion, and seven cents (7¢) for
38 each pica in a column line for each subsequent insertion. In the event that
39 a column line ends in a one-half (1/2) pica measurement, the rate for such
40 one-half (1/2) pica shall be one-half (1/2) the rate established for a full
41 pica for the type of matter set forth herein. For purposes of this section,

1 the type used shall not be smaller than seven (7) point nor greater than eight
2 (8) point.

3 SECTION 2. That Section 60-106, Idaho Code, be, and the same is hereby
4 repealed.

5 SECTION 3. That Section 60-106A, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 60-106A. ELECTRONIC PUBLICATION OF LEGAL NOTICES BY NEWSPAPERS. (1)
8 ~~In addition to the newspaper publication required by section 60-106, Idaho~~
9 ~~Code, Notwithstanding any other provision of the law to the contrary,~~ legal
10 notices, advertisements, or publications of any kind required or provided by
11 the laws of the state of Idaho ~~to~~ shall be published ~~in~~ online by a newspaper
12 ~~may also be electronically published by any newspaper using a platform that~~
13 ~~provides free access for viewing all official notices published by the news-~~
14 ~~paper.~~ An electronically published legal notice, advertisement, or publi-
15 cation shall have the same legal effect as a legal notice, advertisement, or
16 publication that is published in a newspaper. All official notices, adver-
17 tisements, or publications shall remain available online for at least four
18 (4) weeks after initial publication.

19 (2) The following definitions apply to this section:

20 (a) "Electronically published" means ~~the printing and disseminating~~
21 ~~of to display, present, or disseminate~~ legal notices, advertisements,
22 or publications to the public through the use of messaging electronic
23 technology, including electrical, digital, magnetic, wireless, opti-
24 cal, electromagnetic, or similar technology.

25 (b) "Messaging" means the use of interconnected electronic networks
26 that automatically transmit data from one (1) computer to another.
27 "Newspaper" means a newspaper meeting the criteria set forth in section
28 60-106A, Idaho Code.

29 (c) "Platform" means a live website providing centralized access via
30 the internet to all legal notices, advertisements, or publications pub-
31 lished by the newspaper.

32 (3) The following provisions apply to this section:

33 (a) ~~Electronic publication may be in addition to the required printed~~
34 ~~publication in a newspaper shall serve as the first requirement for all~~
35 ~~required legal notices, advertisements, or publications; and~~

36 (b) ~~Electronic publication may~~ must be made by newspapers having elec-
37 tronic publication capability. ~~Nothing in this section shall be con-~~
38 ~~strued to require a newspaper to develop and maintain an electronic pub-~~
39 ~~lication capability; and~~

40 (c) ~~Newspapers may not charge an additional rate~~ a fee for electronic
41 publication. Rates for such electronic publication shall be included
42 in the rates for official notices as provided for in section 60-105,
43 Idaho Code; and

44 (d) Any party placing a legally required public notice in electronic
45 form should, to the greatest extent practicable, provide in such no-
46 tices the ~~messaging address of the newspaper website where the newspa-~~
47 ~~per publishes legal notices, advertisements, and publications and, if~~

1 ~~applicable, that the contact information~~ of the person or governmental
2 agency requiring such notice to be published.

3 SECTION 4. That Chapter 1, Title 60, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
5 ignated as Section 60-106A, Idaho Code, and to read as follows:

6 60-106A. QUALIFICATIONS OF NEWSPAPERS PRINTING LEGAL NOTICES. (1) In
7 addition to the electronic publication required by section 60-106, Idaho
8 Code, legal notices, advertisements, or publications of any kind required
9 or provided by the laws of the state of Idaho to be published online shall
10 appear concurrently or immediately following online publication in the next
11 available physical edition of a newspaper of general interest published
12 in the state of Idaho, and which newspaper, if published weekly, has been
13 continuously and uninterruptedly published in the county during a period
14 of seventy-eight (78) consecutive weeks prior to the first publication of
15 the notice or advertisement and, if published daily, has been published
16 as a daily newspaper in the county during a period of twelve (12) consecu-
17 tive months prior to the first publication of the notice or advertisement.
18 Notwithstanding any other provision of Idaho law to the contrary, the elec-
19 tronic publication and single print publication of any notice as provided
20 in this subsection shall satisfy any requirements for the number of times a
21 notice is to be published under any other statute.

22 (2) The term "newspaper of (or having) general circulation," wherever
23 used in Idaho Code as a qualification of newspapers required to be used for
24 the publication of notice, shall mean a newspaper, as described in this
25 section, that is published within the boundaries of the governmental entity
26 wherein the notice is required to be published and which newspaper has the
27 largest paid circulation among all newspapers published in that govern-
28 mental entity as verified by the sworn statement of average total paid or
29 requested circulation for the preceding twelve (12) months that was filed
30 on the annual statement of ownership, management, and circulation with the
31 United States postal service on the date immediately preceding the date of
32 the required publication of notice. If no newspaper is published within the
33 governmental entity required to publish a notice, the term "newspaper of
34 (or having) general circulation" shall mean the newspaper with the largest
35 paid circulation published within any county in which the governmental en-
36 tity is located, or the newspaper published nearest to the boundaries of the
37 governmental entity. The term "newspaper," as used in this section, shall
38 apply only to such newspapers of general interest made up of at least four
39 (4) pages of at least five (5) columns each, printed from type matter or from
40 slugs cast upon the linotype or intertype or similar slug-casting machine,
41 or by the process known as "offset," or stereotyped forms of at least sev-
42 enteen and three-fourths (17 3/4) inches depth; or, if smaller pages, then
43 comprising an equivalent amount of type matter, and which shall have at least
44 two hundred (200) bona fide subscribers living within the county in which the
45 newspaper is published at regular intervals and in no case less frequently
46 than once a week. A newspaper produced by mimeographing or similar methods
47 shall not be deemed a legal newspaper for publications of any kind.

48 (3) No newspaper shall qualify under this section unless it holds a
49 valid second class mailing permit from the United States postal service.

1 Any violations of the requirements of section 60-106 or 60-106A, Idaho
2 Code, prior to July 1, 2019, concerning the printing of newspapers other
3 than within the governmental entity in which a notice or advertisement is
4 required to be printed are hereby excused and any advertisement published in
5 any such newspaper is hereby validated.