

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 53

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PUBLIC NOTICES BY GOVERNMENTAL ENTITIES; AMENDING CHAPTER 1, TITLE 60, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 60-106B, IDAHO CODE, TO PROVIDE FOR ELECTRONIC PUBLICATION OF PUBLIC NOTICES BY GOVERNMENTAL ENTITIES; AND AMENDING SECTION 60-109A, IDAHO CODE, TO REVISE PROVISIONS REGARDING LEGAL NOTICE PUBLICATION BY FIRST CLASS MAIL.

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

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

60-106B. ELECTRONIC PUBLICATION OF PUBLIC NOTICES BY GOVERNMENTAL ENTITIES. (1) Any governmental entity required or permitted under the laws of the state of Idaho to publish public notices or publications in a newspaper may instead publish such information electronically on the governmental entity's website. If all requirements of this section are met, an electronically published public notice or publication pursuant to this section has the same legal effect as a public notice or publication that is published in a newspaper pursuant to section 60-106, Idaho Code.

(2) The minimum publishing dates and duration requirements under the laws of the state of Idaho for publishing notice in a print newspaper shall apply equally to electronically published notices or other publications electronically published pursuant to this section. Governmental entities must adhere to all advance requirements regarding days of notice prior to government action and must comply with the agenda requirements provided in section 74-204, Idaho Code.

(3) A governmental entity providing notice pursuant to this section may use only its official website to electronically publish public notices. Such notices must be posted under a tab clearly marked "Public Notices" on the governmental entity's home page.

(4) As used in this section:

(a) "Electronically published" means the posting of digital information on a governmental entity's website that provides free public access to the notices.

(b) "Governmental entity" has the same meaning provided in section 74-403, Idaho Code.

(5) Nothing in this section shall be construed to require a governmental entity to develop and maintain an electronic publication capability.

(6) This section does not relieve a governmental entity of the duty to mail any notice required to be mailed by the laws of the state of Idaho to be mailed.

1 SECTION 2. That Section 60-109A, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 60-109A. PUBLICATION BY FIRST CLASS MAIL. Any notice required by law
4 to be published by any regional board, commission, department, or author-
5 ity created by or pursuant to statute, and any county, city, school dis-
6 trict, special district, any joint district, or other political subdivision
7 of the state of Idaho, may be published by mailing such notice by first class
8 mail, postage prepaid, to the residents of such jurisdiction; provided, how-
9 ever, that publication by mail as provided for herein, shall constitute le-
10 gal notice only if the cost of mailing, including preparation, materials and
11 postage, is less than the cost of other publication required by law. Notice
12 may be included with regularly occurring mailings such as utility billing.
13 Proof of such mailing shall be by sworn affidavit of the duly constituted of-
14 ficers of the body publishing the notice.