

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 33

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO PUBLIC NOTICES; AMENDING CHAPTER 1, TITLE 60, IDAHO CODE, BY THE
2 ADDITION OF A NEW SECTION 60-106B, IDAHO CODE, TO PROVIDE FOR ELECTRONIC
3 PUBLICATION; AMENDING SECTION 60-109A, IDAHO CODE, TO REVISE PROVI-
4 SIONS REGARDING LEGAL NOTICE PUBLICATION BY FIRST CLASS MAIL; REPEALING
5 SECTION 60-106B, IDAHO CODE, RELATED TO ELECTRONIC PUBLICATION; AMEND-
6 ING CHAPTER 1, TITLE 60, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
7 60-106B, IDAHO CODE, TO PROVIDE FOR ELECTRONIC PUBLICATION; AND DECLAR-
8 ING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.
9

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

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

14 60-106B. ELECTRONIC PUBLICATION. (1) Notwithstanding any provision
15 of law to the contrary, any person, governmental entity, or business or other
16 entity required or permitted under the laws of the state of Idaho to pub-
17 lish notices, publications, or other information in a newspaper may instead
18 electronically publish such notices, publications, or other information
19 on the state controller's website. If all requirements of this section are
20 met, notices, publications, or other information electronically published
21 pursuant to this section shall have the same legal effect as notices, publi-
22 cations, or other information published in a newspaper pursuant to section
23 60-106, Idaho Code.

24 (2) The minimum publishing dates and duration requirements under the
25 laws of the state of Idaho for publishing notices, publications, or other in-
26 formation in a print newspaper shall apply equally to notices, publications,
27 or other information electronically published pursuant to this section.

28 (3) A governmental entity that electronically publishes any notice,
29 publication, or other information pursuant to this section shall:

30 (a) Comply with all advance notice requirements regarding the number of
31 days of advance notice required prior to government action; and

32 (b) Comply with the agenda requirements provided in section 74-204,
33 Idaho Code.

34 (4) The state controller shall facilitate the receipt, storage, and
35 publication of notices, publications, and other information that are pub-
36 lished pursuant to this section and ensure that the same are accessible to
37 the public free of charge. To fulfill the requirements of this section, the
38 state controller may adopt a staggered implementation schedule, allowing
39 for the phased inclusion of specific categories of notices, publications,
40 or other information as the program progresses, provided that the state
41 controller shall ensure that the electronic publication program is capa-
42 ble of the receipt, storage, and publication of all notices, publications,

1 and other information authorized to be electronically published under this
 2 section, with the exception of electronic publications by governmental en-
 3 tities related to public works projects or the disposal of surplus property
 4 owned by a governmental entity, no later than January 1, 2026, and that it is
 5 fully operational for the receipt, storage, and publication of all notices,
 6 publications, and other information authorized for electronic publication
 7 under this section no later than January 1, 2027. The state controller
 8 shall, by January 1, 2027, implement functionality on its website to allow
 9 users to subscribe to receive electronic notifications of public meeting
 10 notices of governmental entities, with the ability to filter such notices
 11 by the location of the public meeting and the location of any project site
 12 address required by law to be included in a public meeting notice.

13 (5) As used in this section:

14 (a) "Electronically publish" or "electronic publication" means the
 15 posting of digital information on the state controller's website in the
 16 manner provided in this section.

17 (b) "Governmental entity" has the same meaning provided in section
 18 74-403, Idaho Code, and shall include all taxing districts in the state.

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

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

23 60-109A. PUBLICATION BY FIRST CLASS MAIL. Any notice required by law
 24 to be published by any regional board, commission, department, or author-
 25 ity created by or pursuant to statute; or by any county, city, school dis-
 26 trict, special district, any joint district, or other political subdivision
 27 of the state of Idaho may be published by mailing such notice by first class
 28 mail, postage prepaid, to the residents of such jurisdiction; provided, how-
 29 ever, that publication by mail as provided for herein, shall constitute le-
 30 gal notice only if the cost of mailing, including preparation, materials and
 31 postage, is less than the cost of other publication required by law. Notice
 32 may be included with regularly occurring mailings such as utility billing.
 33 Proof of such mailing shall be by sworn affidavit of the duly constituted of-
 34 ficers of the body publishing the notice.

35 SECTION 3. That Section 60-106B, Idaho Code, be, and the same is hereby
 36 repealed.

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

40 60-106B. ELECTRONIC PUBLICATION. (1) Notwithstanding any provision
 41 of law to the contrary, any person, governmental entity, or business or other
 42 entity required or permitted under the laws of the state of Idaho to pub-
 43 lish notices, publications, or other information in a newspaper may instead
 44 electronically publish such notices, publications, or other information
 45 on the state controller's website. If all requirements of this section are
 46 met, notices, publications, or other information electronically published

1 pursuant to this section shall have the same legal effect as notices, publi-
2 cations, or other information published in a newspaper pursuant to section
3 60-106, Idaho Code.

4 (2) The minimum publishing dates and duration requirements under the
5 laws of the state of Idaho for publishing notices, publications, or other in-
6 formation in a print newspaper shall apply equally to notices, publications,
7 or other information electronically published pursuant to this section.

8 (3) A governmental entity that electronically publishes any notice,
9 publication, or other information pursuant to this section shall:

10 (a) Comply with all advance notice requirements regarding the number of
11 days of advance notice required prior to government action; and

12 (b) Comply with the agenda requirements provided in section 74-204,
13 Idaho Code.

14 (4) The state controller shall facilitate the receipt, storage, and
15 publication of notices, publications, and other information that are pub-
16 lished pursuant to this section and ensure that the same are accessible
17 to the public free of charge. The state controller shall implement func-
18 tionality on its website to allow users to subscribe to receive electronic
19 notifications of public meeting notices of governmental entities, with the
20 ability to filter such notices by the location of the public meeting and the
21 location of any project site address required by law to be included in a pub-
22 lic meeting notice.

23 (5) As used in this section:

24 (a) "Electronically publish" or "electronic publication" means the
25 posting of digital information on the state controller's website in the
26 manner provided in this section.

27 (b) "Governmental entity" has the same meaning provided in section
28 74-403, Idaho Code, and shall include all taxing districts in the state.

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

31 SECTION 5. An emergency existing therefor, which emergency is hereby
32 declared to exist, Sections 1 and 2 of this act shall be in full force and ef-
33 fect on and after passage and approval, and Sections 3 and 4 of this act shall
34 be in full force and effect on and after January 1, 2027.