

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 166

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 publish  
17 any notice in a newspaper may instead electronically publish such notice on  
18 the state controller's website as provided in this section and pursuant to  
19 the staggered implementation schedule provided in subsection (4) of this  
20 section. If all requirements of this section are met, notices electroni-  
21 cally published pursuant to this section shall have the same legal effect as  
22 notices published in a newspaper pursuant to section 60-106, Idaho Code.

23 (2) The minimum publishing dates and duration requirements under the  
24 laws of the state of Idaho for publishing notices in a print newspaper shall  
25 apply equally to notices electronically published pursuant to this section.

26 (3) A governmental entity that electronically publishes any notice  
27 pursuant to this section shall:

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

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

32 (4) The state controller shall facilitate the receipt, storage, and  
33 publication of notices that are published pursuant to this section and en-  
34 sure that the same are accessible to the public free of charge. To fulfill  
35 the requirements of this section, the state controller may adopt a staggered  
36 implementation schedule, allowing for the phased inclusion of specific cat-  
37 egories of notices as the program progresses. No later than January 1, 2026,  
38 the state controller shall ensure that the electronic publication program is  
39 capable of the receipt, storage, and publication of all notices authorized  
40 to be electronically published under this section by all state agencies. No  
41 later than January 1, 2027, the state controller shall ensure that the elec-  
42 tronic publication program is fully operational for the receipt, storage,

1 and publication of all notices authorized for electronic publication under  
 2 this section and shall also implement functionality on its website to allow  
 3 users to subscribe to receive electronic notifications of public meeting  
 4 notices of governmental entities, with the ability to filter such notices  
 5 by the location of the public meeting and the location of any project site  
 6 address required by law to be included in a public meeting notice.

7 (5) Notwithstanding any other provision of law to the contrary, includ-  
 8 ing the staggered implementation schedule provided in subsection (4) of this  
 9 section, any governmental entity that is required by law to publish any no-  
 10 tice in a newspaper may instead publish an abbreviated notice in the newspa-  
 11 per that shall include the title and date of such notice accompanied by an in-  
 12 ternet link to a webpage on the governmental entity's official website con-  
 13 taining an electronic copy of the complete notice. A governmental entity may  
 14 also provide in such abbreviated notice a quick response code or barcode that  
 15 directs the reader to the same webpage as the internet link. If all require-  
 16 ments of this subsection are met, abbreviated newspaper notices published  
 17 pursuant to this subsection shall have the same legal effect as notices pub-  
 18 lished in a newspaper pursuant to section 60-106, Idaho Code.

19 (6) As used in this section:

20 (a) "Electronically publish" or "electronic publication" means the  
 21 posting of digital information, including any notice, on the state  
 22 controller's website or, where applicable, the official website of a  
 23 governmental entity through the publication of an internet link in a  
 24 newspaper, in the manner provided in this section.

25 (b) "Governmental entity" has the same meaning provided in section  
 26 74-403, Idaho Code, and shall include all taxing districts in the state.

27 (c) "Notice" means any type of notice, publication, or other informa-  
 28 tion required by the laws of the state of Idaho to be published in a news-  
 29 paper.

30 (d) "State agency" means the state of Idaho and any officer, agency,  
 31 board, commission, department, or similar body of the executive branch  
 32 of the state government.

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

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

37 60-109A. PUBLICATION BY FIRST CLASS MAIL. Any notice required by law  
 38 to be published by any regional board, commission, department, or author-  
 39 ity created by or pursuant to statute; or by any county, city, school dis-  
 40 trict, special district, any joint district, or other political subdivision  
 41 of the state of Idaho may be published by mailing such notice by first class  
 42 mail, postage prepaid, to the residents of such jurisdiction; provided, how-  
 43 ever, that publication by mail as provided for herein, shall constitute le-  
 44 gal notice only if the cost of mailing, including preparation, materials and  
 45 postage, is less than the cost of other publication required by law. Notice  
 46 may be included with regularly occurring mailings such as utility billing.  
 47 Proof of such mailing shall be by sworn affidavit of the duly constituted of-  
 48 ficers of the body publishing the notice.

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

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 60-106B, Idaho Code, and to read as follows:

6 60-106B. ELECTRONIC PUBLICATION. (1) Notwithstanding any provision  
7 of law to the contrary, any person, governmental entity, or business or other  
8 entity required or permitted under the laws of the state of Idaho to publish  
9 notices in a newspaper may instead electronically publish such notices on  
10 the state controller's website. If all requirements of this section are met,  
11 notices electronically published pursuant to this section shall have the  
12 same legal effect as notices published in a newspaper pursuant to section  
13 60-106, Idaho Code.

14 (2) The minimum publishing dates and duration requirements under the  
15 laws of the state of Idaho for publishing notices in a print newspaper shall  
16 apply equally to notices electronically published pursuant to this section.

17 (3) A governmental entity that electronically publishes any notice  
18 pursuant to this section shall:

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

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

23 (4) The state controller shall facilitate the receipt, storage, and  
24 publication of notices that are published pursuant to this section and en-  
25 sure that the same are accessible to the public free of charge. The state  
26 controller shall implement functionality on its website to allow users to  
27 subscribe to receive electronic notifications of public meeting notices  
28 of governmental entities, with the ability to filter such notices by the  
29 location of the public meeting and the location of any project site address  
30 required by law to be included in a public meeting notice.

31 (5) As used in this section:

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

35 (b) "Governmental entity" has the same meaning provided in section  
36 74-403, Idaho Code, and shall include all taxing districts in the state.

37 (c) "Notice" means any type of notice, publication, or other informa-  
38 tion required by the laws of the state of Idaho to be published in a news-  
39 paper.

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

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