

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 538

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO LEGAL NOTICES IN NEWSPAPERS; AMENDING SECTION 60-106, IDAHO
2 CODE, TO REVISE A PROVISION RELATING TO THE AMOUNT OF TIME OF CONTINUOUS
3 AND UNINTERRUPTED PUBLISHING REQUIRED FOR A WEEKLY NEWSPAPER THAT PUB-
4 LISHES LEGAL NOTICES.
5

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

7 SECTION 1. That Section 60-106, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 60-106. QUALIFICATIONS OF NEWSPAPERS PRINTING LEGAL NOTICES. No le-
10 gal notice, advertisement or publication of any kind required or provided
11 by the laws of the state of Idaho, to be published in a newspaper, shall be
12 published or have any force or effect, as such, unless the same be published
13 in a newspaper of general interest published in the state of Idaho, and which
14 newspaper if published weekly, has been continuously and uninterruptedly
15 published in the county during a period of ~~seventy-eight~~ twenty-four (7824)
16 consecutive weeks prior to the first publication of the notice, or adver-
17 tisement, and, if published daily, has been so published as a daily newspaper
18 in the county during a period of twelve (12) consecutive months prior to the
19 first publication of the notice or advertisement; provided that, notwith-
20 standing any other provision of Idaho laws, the term "newspaper of (or
21 having) general circulation," wherever used in Idaho Code as a qualifica-
22 tion of newspapers required to be used for the publication of notice, shall
23 mean a "newspaper," as defined in this section, that is published within the
24 boundaries of the governmental entity wherein the notice is required to be
25 published and which newspaper has the largest paid circulation among all
26 newspapers published in that governmental entity as verified by the sworn
27 statement of average total paid or requested circulation for the preceding
28 twelve (12) months that was filed on the annual statement of ownership, man-
29 agement and circulation with the U.S. postal service on the date immediately
30 preceding the date of the required publication of notice; excepting that,
31 where no newspaper is published within the governmental entity required to
32 publish a notice, the term "newspaper of (or having) general circulation"
33 shall mean the newspaper with the largest paid circulation published within
34 any county in which the governmental entity is located, or the newspaper pub-
35 lished nearest to the boundaries of the governmental entity; provided, that
36 nothing in this chapter shall invalidate the publication of such notice or
37 advertisement in any newspaper which has simply changed its name, frequency
38 of publication, suspended publication because of an act of God, or public
39 enemy, fire, strike, or other labor dispute, explosion, flood, government
40 prohibition, government requisition of essential property, preferential
41 government orders, breakdown, legal acts of public authorities or other
42 acts beyond the control of the publisher for a period of not to exceed six

1 (6) months, or changed the place of publication from one part of the county
2 to another part thereof, without breaking the continuity of its regular
3 issues for the required length of time: and, provided further, that this
4 chapter shall not apply to counties in which no newspaper has been published
5 for the required length of time: provided the term "Newspaper" as used in
6 this section shall apply only to such newspapers of general interest made up
7 of at least four (4) pages of at least five (5) columns each, printed from
8 type matter or from "slugs" cast upon the linotype or intertype or similar
9 "slug-casting" machine, or by the process known as "offset," or stereotyped
10 forms of at least seventeen and three-fourths (17 3/4) inches depth; or,
11 if smaller pages, then comprising an equivalent amount of type matter, and
12 which shall have at least two hundred (200) bona fide subscribers living
13 within the county in which the newspaper is published at regular intervals
14 and, in no case, less frequently than once a week; provided that a newspa-
15 per produced by the process known as mimeographing or similar methods shall
16 not be deemed a legal newspaper for publications of any kind. And provided
17 further, that any duly qualified newspaper, as hereinbefore defined, shall
18 not forfeit its standing as such by reason of the fact that it has suspended
19 publication for all or any part of the period during which the United States
20 has been or shall be engaged in the prosecution of any war, or for one (1)
21 year following the date of the proclamation of the President of the United
22 States declaring that this nation is no longer at war, or the termination
23 of a state of war shall be otherwise established. And if any such newspaper
24 shall resume regular publication within one (1) year from the date when the
25 termination of the state of war shall be so established, it shall then be as
26 fully qualified to publish any legal notice, advertisement, or publication
27 required to be published by the laws of the state of Idaho, as if such newspa-
28 per had not suspended regular publication during the above mentioned period
29 of time.

30 No newspaper shall qualify under this section unless the same shall hold
31 a valid second class mailing permit from the United States Post Office. Any
32 violations of the previous requirements of this section concerning printing
33 of newspapers other than in the governmental entity in which a notice or ad-
34 vertisement is required to be printed are hereby excused and any advertise-
35 ment published in any such newspapers is hereby validated.