

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 420

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO LEGAL NOTICES OF 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 LEGAL NOTICES ON GOVERNMENT WEBSITES, TO PROVIDE REQUIREMENTS AND TO DEFINE TERMS.

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 LEGAL NOTICES ON GOVERNMENT WEBSITES. (1) In lieu of the newspaper publication required by section 60-106, Idaho Code, legal notices, advertisements or publications of any kind required or provided by the laws of the state of Idaho to be published in a newspaper may be electronically published by governmental entities. An electronically published legal notice, advertisement or publication shall have the same legal effect as a legal notice, advertisement or publication that is published in a newspaper. A tab on the governmental entity's homepage must clearly be marked "Public Notices" wherein all electronically published public notices may be found. The governmental entity shall keep a historical record of the posting, including the time and date of the posting. Governmental entities must still adhere to all advance requirements regarding days of notice prior to government action, and the provisions of section 74-204, Idaho Code, shall be complied with. A governmental entity must use an official website if it provides notice pursuant to this section.

(2) The following definitions apply to this section:

(a) "Electronically published" means the printing and disseminating of legal notices, advertisements or publications through the use of messaging on the governmental entity's website.

(b) "Messaging" means the use of interconnected electronic networks that automatically transmit data from one computer to another.

(3) The following provisions apply to this section:

(a) Electronic publication shall be in lieu of the required printed publication in a newspaper; and

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