

TITLE 60
PUBLIC PRINTING AND OFFICIAL NOTICES

CHAPTER 1
CONTRACTS FOR PRINTING -- PUBLICATION OF NOTICES

60-101. CONTRACTS FOR STATE PRINTING -- EXECUTION WITHIN STATE -- EXCEPTION. All printing, binding (excluding binding for state supported libraries), engraving and stationery work executed for or on behalf of the state, and for which the state contracts, or becomes in any way responsible, shall be executed within the state of Idaho, except as provided in section [60-103](#), Idaho Code. Provided, however, that this section shall not apply to any compilation, publication or codification of the laws of the state of Idaho.

[(60-101) 1903, p. 333, sec. 1; reen. R.C. & C.L., sec. 1474; C.S., sec. 2335; I.C.A., sec. 58-101; am. 1939, ch. 196, sec. 1, p. 373; am. 1947, ch. 108, sec. 1, p. 225; am. 1980, ch. 56, sec. 1, p. 114.]

60-102. CONTRACTS FOR COUNTY PRINTING -- EXECUTION WITHIN COUNTY OR STATE. All county printing, binding and stationery work, executed for or on behalf of the several counties throughout the state, for which the said counties contract, or become in any way responsible, shall be executed within the county for which said work is done, when there are practicable facilities within the said county for executing the same, but when it shall become necessary, from want of proper facilities, to execute the work without the said county, then the same shall be executed at some place within the state of Idaho, except as provided in the following section.

[(60-102) 1903, p. 333, sec. 2; reen. R.C. & C.L., sec. 1475; C.S., sec. 2336; I.C.A., sec. 58-102.]

60-103. EXCEPTION IN CASE OF EXCESSIVE CHARGE -- EXCEPTIONS FOR LACK OF PRODUCTION FACILITIES ON BIDS ON STATE OR COUNTY WORK. (a) Whenever it shall be established that any charge for printing, engraving, binding (excluding binding for state supported libraries) or stationery work is in excess of the charge usually made to private individuals for the same kind and quality of work, then the state or county officer or officers having such work in charge shall have power to have such work done outside of said county or state, but nothing in this chapter shall be construed to oblige any of said officers to accept any unsatisfactory work.

(b) Any work referred to in section [60-101](#) or [60-102](#), Idaho Code, and which is to be executed for or on behalf of the state or a county may be executed outside of this state in any case (1) where the execution of such work shall require the use of a technique or process which cannot be performed through the use of physical production facilities located within this state and the use of such technique or process is essential to a necessary function to be served by the printing, binding, engraving or stationery work required; (2) where, after a solicitation has been made or notice thereof has been given as required by section [67-9208](#), Idaho Code, no bid or proposal is made thereon by any person, firm or corporation proposing to execute such work within this state; or (3) where, after a solicitation has been made or notice thereof given as required by section [67-9208](#), Idaho Code, the lowest bid from a person, firm or corporation proposing to execute such work within

this state is more than ten percent (10%) above the lowest bid from a person, firm or corporation proposing to execute such work outside this state.

[(60-103) 1903, p. 333, sec. 3; reen. R.C. & C.L., sec. 1476; C.S., sec. 2337; I.C.A., sec. 58-103; am. 1939, ch. 196, sec. 2, p. 373; am. 1965, ch. 304, sec. 1, p. 805; am. 1977, ch. 171, sec. 1, p. 440; am. 1980, ch. 56, sec. 2, p. 114.; am. 2015, ch. 50, sec. 1, p. 110; am. 2016, ch. 289, sec. 13, p. 813.]

60-104. PENALTY FOR VIOLATION OF CHAPTER. Any state or county officer either as an official, member of a board, or purchasing agent, who violates any of the above provisions, is guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than \$100.00 nor more than \$500.00 for each offense, and shall be liable upon his official bond for the amount of such contract entered into; provided, however, that this section shall not apply and the penalties herein provided for shall not be imposed against any such officer in any case where the person, firm or corporation with whom any such officer contracts or places an order for the performance of any work, as required by section [60-101](#) or section [60-102](#) [, Idaho Code,] shall have represented in writing to such officer that such work would be executed within a specified county or within this state and such person, firm or corporation shall then permit or cause such work, or any part thereof, to be executed outside of such county or outside of this state contrary to such representation; but any such failure to comply with such representation on the part of any such person, firm or corporation shall render him or it ineligible to bid on or accept, directly or indirectly, any printing, binding, engraving or stationery work for any county or for this state for a period of one (1) year from the date of the contract or order with respect to which such failure occurred.

[(60-104) 1903, p. 333, sec. 6; reen. R.C. & C.L., sec. 1476a; C.S., sec. 2338; I.C.A., sec. 58-104; am. 1965, ch. 304, sec. 2, p. 805.]

60-105. RATES FOR OFFICIAL NOTICES. (1) On and after October 1, 2007, the rate to be charged for all official notices required by law to be published in any newspaper in this state, by any state, county, municipal official or other person, shall be as follows: seven and one-half cents (7.5¢) for each pica in a column line for the first insertion and six and one-half cents (6.5¢) for each pica in a column line for each subsequent insertion. For table and figure matter, the rate shall be eight and one-half cents (8.5¢) for each pica in a column line for the first insertion, and six and one-half cents (6.5¢) for each pica in a column line for each subsequent insertion. In the event that a column line ends in a one-half (1/2) pica measurement, the rate for such one-half (1/2) pica shall be one-half (1/2) the rate established for a full pica for the type of matter set forth herein. For purposes of this section, the type used shall not be smaller than seven (7) point nor greater than eight (8) point.

(2) On and after October 1, 2008, the rate to be charged for all official notices required by law to be published in any newspaper in this state, by any state, county, municipal official or other person, shall be as follows: eight cents (8¢) for each pica in a column line for the first insertion and seven cents (7¢) for each pica in a column line for each subsequent insertion. For table and figure matter, the rate shall be nine cents (9¢) for each pica in a column line for the first insertion, and seven cents (7¢) for

each pica in a column line for each subsequent insertion. In the event that a column line ends in a one-half (1/2) pica measurement, the rate for such one-half (1/2) pica shall be one-half (1/2) the rate established for a full pica for the type of matter set forth herein. For purposes of this section, the type used shall not be smaller than seven (7) point nor greater than eight (8) point.

[(60-105) 1907, p. 27, sec. 1; reen. R.C. & C.L., sec. 1477; C.S., sec. 2339; I.C.A., sec. 58-105; am. 1951, ch. 29, sec. 1, p. 41; am. 1955, ch. 135, sec. 1, p. 274; am. 1971, ch. 35, sec. 1, p. 80; am. 1980, ch. 124, sec. 1, p. 280; am. 1981, ch. 131, sec. 1, p. 220; am. 1984, ch. 224, sec. 1, p. 541; am. 1988, ch. 214, sec. 1 and 2, pgs. 404, 405; am. 1996, ch. 427, sec. 1, p. 1454; am. 1999, ch. 281, secs. 1 & 2, pgs. 702 and 703; am. 2007, ch. 260, sec. 1, p. 773.]

60-106. QUALIFICATIONS OF NEWSPAPERS PRINTING LEGAL NOTICES. No legal notice, advertisement or publication of any kind required or provided by the laws of the state of Idaho, to be published in a newspaper, shall be published or have any force or effect, as such, unless the same be published in a newspaper of general interest published in the state of Idaho, and which newspaper if published weekly, has been continuously and uninterruptedly published in the county during a period of seventy-eight (78) consecutive weeks prior to the first publication of the notice, or advertisement, and, if published daily, has been so published as a daily newspaper in the county during a period of twelve (12) consecutive months prior to the first publication of the notice or advertisement; provided that, notwithstanding any other provision of Idaho laws, the term "newspaper of (or having) general circulation," wherever used in Idaho Code as a qualification of newspapers required to be used for the publication of notice, shall mean a "newspaper," as defined in this section, that is published within the boundaries of the governmental entity wherein the notice is required to be published and which newspaper has the largest paid circulation among all newspapers published in that governmental entity as verified by the sworn statement of average total paid or requested circulation for the preceding twelve (12) months that was filed on the annual statement of ownership, management and circulation with the U.S. postal service on the date immediately preceding the date of the required publication of notice; excepting that, where no newspaper is published within the governmental entity required to publish a notice, the term "newspaper of (or having) general circulation" shall mean the newspaper with the largest paid circulation published within any county in which the governmental entity is located, or the newspaper published nearest to the boundaries of the governmental entity; provided, that nothing in this chapter shall invalidate the publication of such notice or advertisement in any newspaper which has simply changed its name, frequency of publication, suspended publication because of an act of God, or public enemy, fire, strike, or other labor dispute, explosion, flood, government prohibition, government requisition of essential property, preferential government orders, breakdown, legal acts of public authorities or other acts beyond the control of the publisher for a period of not to exceed six (6) months, or changed the place of publication from one part of the county to another part thereof, without breaking the continuity of its regular issues for the required length of time: and, provided further, that this chapter shall not apply to counties in which no newspaper has been published for the required length of time: provided the term "Newspaper" as used in this section shall

apply only to such newspapers of general interest made up of at least four (4) pages of at least five (5) columns each, printed from type matter or from "slugs" cast upon the linotype or intertype or similar "slug-casting" machine, or by the process known as "offset," or stereotyped forms of at least seventeen and three-fourths (17 3/4) inches depth; or, if smaller pages, then comprising an equivalent amount of type matter, and which shall have at least two hundred (200) bona fide subscribers living within the county in which the newspaper is published at regular intervals and, in no case, less frequently than once a week; provided that a newspaper produced by the process known as mimeographing or similar methods shall not be deemed a legal newspaper for publications of any kind. And provided further, that any duly qualified newspaper, as hereinbefore defined, shall not forfeit its standing as such by reason of the fact that it has suspended publication for all or any part of the period during which the United States has been or shall be engaged in the prosecution of any war, or for one (1) year following the date of the proclamation of the President of the United States declaring that this nation is no longer at war, or the termination of a state of war shall be otherwise established. And if any such newspaper shall resume regular publication within one (1) year from the date when the termination of the state of war shall be so established, it shall then be as fully qualified to publish any legal notice, advertisement, or publication required to be published by the laws of the state of Idaho, as if such newspaper had not suspended regular publication during the above mentioned period of time.

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

[(60-106) 1919, ch. 38, sec. 1, p. 137; C.S., sec. 2340; I.C.A., sec. 58-106; am. 1935, ch. 86, sec. 1, p. 151; am. 1939, ch. 38, sec. 1, p. 79; am. 1943, ch. 16, sec. 1, p. 44; am. 1947, ch. 140, sec. 1, p. 337; am. 1969, ch. 132, sec. 1, p. 414; am. 1994, ch. 192, sec. 1, p. 621.]

60-106A. ELECTRONIC PUBLICATION OF LEGAL NOTICES BY NEWSPAPERS. (1) In addition to 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 also be electronically published by any newspaper. 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.

(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.

(b) "Messaging" means the use of interconnected electronic networks that automatically transmit data from one (1) computer to another.

(3) The following provisions apply to this section:

(a) Electronic publication may be in addition to the required printed publication in a newspaper; and

(b) Electronic publication may be made by newspapers having electronic publication capability. Nothing in this section shall be construed to

require a newspaper to develop and maintain an electronic publication capability; and

(c) Newspapers may not charge an additional rate for electronic publication. Rates for such electronic publication shall be included in the rates for official notices as provided for in section [60-105](#), Idaho Code; and

(d) Any party placing a legally required public notice in electronic form should, to the greatest extent practicable, provide in such notices the messaging address of the newspaper and, if applicable, that of the person or governmental agency requiring such notice to be published.

[60-106A, added 1999, ch. 281, sec. 3, p. 703.]

60-107. "DAILY NEWSPAPER" DEFINED. A newspaper published within the state of Idaho for five (5) consecutive days a week, excepting legal holidays, is hereby declared to be a daily newspaper within the meaning of section [60-106](#), Idaho Code.

[(60-107) I.C.A., sec. 58-107, as added by 1933, ch. 154, sec. 1, p. 233; am. 1949, ch. 121, sec. 1, p. 215.]

60-108. DESIGNATION OF DAY FOR PUBLICATION OF WEEKLY NOTICES. A daily newspaper is [as] defined in section [60-107](#)[, Idaho Code,] and published within the state of Idaho, may designate a particular day of the week on which legal notices required by law or by order of any court of competent jurisdiction within the state to be published weekly, will be published, and all notices published in the issue of said newspaper under said date, shall be deemed to have been published once a week in a weekly newspaper.

Provided, however, that the publisher of such newspaper shall, at the head of the editorial column of said paper and in each issue thereof, announce the day of the week on which such legal notices required by law or by order of any court of competent jurisdiction to be published weekly, will be published.

Provided, further, that when said day of the week falls on a legal holiday on which the said newspaper does not publish a regular issue, all such legal notices intended for publication on that day may be published on the next following or preceding business day, and such notice so published shall be deemed to have been published once per week.

[(60-108) I.C.A., sec. 58-108, as added by 1933, ch. 154, sec. 2, p. 233; am. 1945, ch. 170, sec. 1, p. 256.]

60-109. PUBLICATION OF NOTICES -- NUMBER OF PUBLICATIONS REQUIRED. Whenever any law of this state requires publication of any notice or proceeding, said requirement shall be satisfied by publishing the same once each calendar week on the same day of each week for the number of times equal to the number of weeks mentioned in the requirement in any regular issue of a newspaper published on one or more days of each week; or when a specified number of days is required, a ten (10) days' notice shall be satisfied by two (2) such weekly publications, a twenty (20) days' notice by three (3) such publications, and a thirty (30) days' notice by five (5) such publications.

[60-109, added 1941, ch. 22, sec. 1, p. 47; am. 1947, ch. 8, sec. 1, p. 8.]

60-109A. PUBLICATION BY FIRST CLASS MAIL. Any notice required by law to be published by any regional board, commission, department or authority created by or pursuant to statute; any county, city, school district, special district, any joint district, or other political subdivision of the state of Idaho may be published by mailing such notice by first class mail, postage prepaid, to the residents of such jurisdiction; provided, however, that publication by mail as provided for herein, shall constitute legal notice only if the cost of mailing, including preparation, materials and postage, is less than the cost of other publication required by law. Proof of such mailing shall be by sworn affidavit of the duly constituted officers of the body publishing the notice.

[60-109A, added 1978, ch. 167, sec. 1, p. 365.]

60-110. PUBLICATION OF LEGAL NOTICES BY RADIO OR TELEVISION -- RESTRICTIONS. Any official of the state of Idaho or any of its political subdivisions who is required by law to publish any notice required by law may supplement publication thereof by radio or television broadcast or both when, in his judgment, the public interest will be served thereby: Provided, that the time, place and nature of such notice only be read or shown with no reference to any person by name then a candidate for political office, and that such broadcasts shall be made only by duly employed personnel of the station from which such broadcasts emanate, and that notices by political subdivisions may be made only by stations situated within the political subdivision of origin of the legal notice, but if no radio or television broadcasting station be situated in the political subdivision of origin, said notice may be broadcast over any radio or television station having general coverage therein.

[60-110, added 1963, ch. 299, sec. 1, p. 788.]

60-111. BROADCASTER TO RETAIN COPY OR TRANSCRIPTION. Each radio or television station broadcasting any legal notice or notice of event shall for a period of six (6) months subsequent to such broadcast retain at its office a copy or transcription of the text of the notice as actually broadcast which shall be available for public inspection.

[60-111, added 1963, ch. 299, sec. 2, p. 788.]

60-112. PROOF OF PUBLICATION BY RADIO AND TELEVISION. Proof of publication of legal notice or notice of event by radio or television broadcast shall be by affidavit of the manager, an assistant manager or a program director of the station broadcasting the same, annexed to a copy or transcription of the text of the notice as actually broadcast, specifying the dates on which, and time of day, the publication was made.

[60-112, added 1963, ch. 299, sec. 3, p. 788.]

60-113. NOTICES AFFECTING INTERESTS IN REAL PROPERTY. Any published notice that affects or may affect any interest in real property must, in addition to the legal description, contain either (a) a street address or other

information which would be of assistance to the public in ascertaining the location of the property; or (b) the name and telephone number of a person, firm or business office from whom information concerning the location of the property may be obtained; provided, however, that the adequacy of the information not essential to a proper legal description shall not give rise to a jurisdictional defect in a proceeding or action contemplated by the published notice.

[60-113, added 1985, ch. 169, sec. 1, p. 449; am. 1986, ch. 332, sec. 1, p. 816.]