

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 439

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO LEGAL NOTICES OF GOVERNMENTAL ENTITIES; AMENDING CHAPTER 1, TI-
2 TLE 60, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 60-106B, IDAHO CODE,
3 TO PROVIDE FOR ELECTRONIC PUBLICATION OF LEGAL NOTICES ON GOVERNMENT
4 WEBSITES, TO PROVIDE REQUIREMENTS, AND TO DEFINE TERMS.
5

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

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

10 60-106B. ELECTRONIC PUBLICATION OF LEGAL NOTICES ON GOVERNMENT WEB-
11 SITES. (1) In lieu of the newspaper publication required by section 60-106,
12 Idaho Code, legal notices, advertisements, or publications of any kind
13 required or provided by the laws of the state of Idaho to be published in
14 a newspaper may be electronically published by governmental entities. An
15 electronically published legal notice, advertisement, or publication shall
16 have the same legal effect as a legal notice, advertisement, or publica-
17 tion that is published in a newspaper. A tab on the governmental entity's
18 homepage must clearly be marked "Public Notices" wherein all electronically
19 published public notices may be found. The governmental entity shall keep a
20 historical record of the posting including the time and date of the posting.
21 Governmental entities must still adhere to all advance requirements regard-
22 ing days of notice prior to government action, and the provisions of section
23 74-204, Idaho Code, shall be complied with. A governmental entity must use
24 an official website if it provides notice pursuant to this section.

25 (2) The following definitions apply to this section:

26 (a) "Electronically published" means the printing and disseminating of
27 legal notices, advertisements, or publications through the use of mes-
28 saging on the governmental entity's website.

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

31 (3) The following provisions apply to this section:

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

34 (b) Nothing in this section shall be construed to require a governmen-
35 tal entity to develop and maintain an electronic publication capabil-
36 ity.