

# Basic Idaho Public Notice Laws 2006

Compiled by Idaho Newspaper Association

## **60-105. RATES FOR OFFICIAL NOTICES**

(Effective on and after January 1, 2001) 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 cents (7¢) for each pica in a column line for the first insertion and six cents (6¢) for each pica in a column line for each subsequent insertion. For table and figure matter, the rate shall be eightcents (8 ¢) for each pica in a column line for the first insertion, and six (6 ¢) 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 7 point nor greater than 8 point.

## **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 (the) 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.

#### 60-108. DESIGNATION OF DAY FOR PUBLICATION OF NOTICES.

A daily newspaper is [as] defined in section 60-107 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.

**60-109. 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.

**60-109A--.PUBLICATION BY 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, 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.