

2026 Legislative Priority Proposal
Updated: 7/22/25

Permitting Counties to Publish Legal Notices in Nonperiodical Newspapers When Newspapers with Periodical Permits are Unavailable in a Subject County	
Eagle County (Commissioner Tom Boyd)	
Preferred Contact:	tom.boyd@eaglecounty.us
Co-Sponsoring Counties/Commissioners:	N/A
Who is your subject matter expert?	<p>Beth Oliver, County Attorney, Eagle County. (970) 328-8685. Beth.Oliver@eaglecounty.us</p> <p>Matt Peterson, Senior Assistant County Attorney, Eagle County. (970) 328-8685. Matt.peterson@eaglecounty.us</p> <p>Laura Hartman, Senior Policy Analyst, Eagle County. (970) 328-8613. laura.hartman@eaglecounty.us</p>
Has this proposal been approved by your BoCC?	Yes.
Have you reviewed the CCI Instructional Memo?	Yes.
Describe the problem your proposal will solve.	<p>A county generally has to publish legal notices in a newspaper that: (1) has an office in the county; (2) is in general circulation in the county; (3) has been published within the county for a certain amount of time; and (4) has a periodicals permit issued by the U.S. Postal Service. See C.R.S. § 24-70-103 and C.R.S. § 24-70-102 (“No publication, no matter how frequently published, shall be considered a legal publication unless it has been admitted to the United States mails with periodicals mailing privileges”). If there is not a newspaper that meets all of these requirements, the county must publish legal notices in a newspaper within an adjacent county that has: (1) general circulation in all or part of the subject county; (2) publication within the subject county for a certain amount of time; and (3) a periodicals permit issued by the U.S. Postal Service. See C.R.S. § 24-70-103(3). In sum, state law dictates that a county must first publish legal notices in a newspaper located in the county that distributes in the county and has a periodicals permit. If a county cannot identify a newspaper that meets these requirements, the county must publish its legal notices in a newspaper from an adjacent county that distributes within the subject county and has a periodicals permit. The law does not further define legal</p>

	<p>publication requirements should the county not have a newspaper within the county or within an adjacent county that has a periodicals permit. Accordingly, it is unclear whether a county that does not have a newspaper with a periodicals permit in its own jurisdiction or in an adjacent county can meet legal notice requirements.</p>
Areas of Impact:	<p>Day-to-day operations. In addition, if a county lacked a newspaper meeting the periodicals privilege requirement, and there was no such newspaper in an adjacent county, the subject county could not comply with the statute as currently written and its public notices may be inadequate under state law.</p>
What is the ultimate source of this problem?	<p>Statutory requirements that do not further the practical goal of providing notice to the widest possible audience. Increasingly, local papers do not possess periodicals privileges, limiting where counties can publish legal notices. Often, counties are prevented from publishing in newspapers with the most circulation in their jurisdiction because those newspapers do not have periodicals privileges or counties pay duplicative fees to publish in both the paper of general circulation, and a second paper with periodicals privileges which may only have circulation in a small area of the county. Counties may also be required to publish legal notice in a newspaper based in an adjacent county that may have substantially less distribution than another newspaper within the county that lacks a periodicals permit.</p>
What is your initial proposal to solve this problem?	<p>C.R.S. § 24-70-103(4) provides an exception for municipalities. If there is no paper in a municipality that meets the periodicals requirement, the municipality can publish legal notices in another paper of general circulation. C.R.S. § 24-70-103(4) should be amended to include counties so that a county may also publish legal notices in a paper of general circulation within the county when there is no newspaper published within the county with a periodicals permit. Including counties in the exception created for municipalities would also require deletion of C.R.S. § 24-70-103(3) because if that subsection were to remain, the statutory structure would require counties to publish legal notice in a newspaper with a periodicals permit in an adjacent county before counties could rely on the exception identified in C.R.S. § 24-70-103(4) solely because a newspaper in an adjacent county has a periodicals permit. This statutory structure would lead to absurd results in that the order of precedence for legal publication would be as follows: (1) publication in a newspaper with a periodicals permit within the county; (2) publication in a newspaper with a periodicals permit in an adjacent county; (3) publication in a newspaper of general circulation without a periodicals permit within the county. Public policy favors publication of legal notice within the subject jurisdiction and the correct order of precedence should be: (1) publication in a newspaper with a periodicals permit within the county; (2) publication in a newspaper of general circulation without a periodicals permit within the county. It</p>

	<p>would then be necessary to create an exception allowing counties with no newspapers within their jurisdiction to publish notices in an adjacent county in the same order of precedence.</p> <p>Alternatively, the periodicals permit requirement in C.R.S. § 24-70-102 could be removed altogether, or the statute could be completely rewritten in order to authorize publication of legal notices electronically on county websites similar to recent changes made to notice provisions contained within the Colorado Open Meetings law.</p>
<p>Please provide sample language for this solution.</p>	<p>Amend C.R.S. § 24-70-103(3) and (4) as follows:</p> <p>“(3) If in any county in this state no newspaper has been published for the prescribed period at the time when any such notice or advertisement is required to be published or if there is no newspaper published therein, such notice or advertisement may be published in any newspaper published in whole or in part in an adjoining county and having a general circulation in whole or in part in said county having no newspaper published therein. If there is no newspaper in any adjoining county that has been published for the prescribed period at the time when any such notice or advertisement is required to be published, a required notice or advertisement may be published in a newspaper having general circulation within the county.</p> <p>(4) Notwithstanding any other provision of this part 1, if no newspaper is published within the territorial boundaries of a <u>municipality OR COUNTY</u> that satisfies the requirements for a legal publication as specified in section 24-70-102, but a newspaper that provides local news and that would satisfy the requirements to be admitted to the United States mails with periodicals mailing privileges but for the absence of paid circulation is distributed within such territorial boundaries, the municipality <u>OR COUNTY</u> may publish any legal notice or advertisement required by law in such newspaper.”</p>

	<p>Such proposal would then need to add a subsection 4.5 authorizing counties without any newspaper within their jurisdiction to publish legal notices in a newspaper in an adjacent jurisdiction.</p> <p>Alternatively, C.R.S. § 24-70-102 could be amended as follows:</p> <p>“Every newspaper printed and published daily, or daily except Sundays and legal holidays, or on each of any five days in every week excepting legal holidays and including or excluding Sundays shall be considered and held to be a daily newspaper; every newspaper printed and published at regular intervals three times each week shall be considered and held to be a triweekly newspaper; every newspaper printed and published at regular intervals twice each week shall be considered and held to be a semiweekly newspaper; and every newspaper printed and published at regular intervals once each week shall be considered and held to be a weekly newspaper. No publication, no matter how frequently published, shall be considered a legal publication unless it has been admitted to the United States mails with periodicals mailing privileges.”</p> <p>Alternatively, the statute could be completely revised to authorize counties to publish legal notices electronically on their respective websites, similar to recent changes to the Colorado Open Meetings Law.</p>
Are there any solutions that do not require state-level legislation? Has your county explored these alternatives?	Because the problem originates in statute, it requires legislative amendment.
Has CCI or any other organizations sought a solution to this problem before?	To our knowledge this issue has not been elevated to CCI or another organization.

What possible organization(s) would support your proposed solution?	It is anticipated that counties that lack a newspaper with periodicals privileges or that lack any newspaper within their jurisdiction would be supportive.
What possible organization(s) would oppose your proposed solution?	Potentially, newspapers and the publishing industry would be opposed to providing more options to counties in choosing their papers for legal noticing because the publication of legal notices can be important revenue generators.
Have you spoken with any legislators about your proposed solution? If so, what was their response?	No, we have not contacted legislators.
What are the financial implications of this problem to your county? Are there any financial implications to this solution either?	For many years, Eagle County has double paid for legal notices. We have paid to publish in a small paper that serves just a corner of our county because it meets the periodicals requirement. We have also paid to publish in a newspaper of wide circulation that does not have periodicals privileges. The solution would likely halve our publishing costs.
What are the financial implications of this problem to any other impacted parties? What are the financial implications of this solution to any other impacted parties? <i>Please consider any relevant Colorado State Departments.</i>	Other counties would face similar financial challenges and solutions. Newspapers could individually see increases or decreases in revenue from county noticing depending on local circumstances if the periodicals requirement were removed. If counties were granted the same carve out as municipalities, the potential impacts on newspapers might be at a smaller scale. There would be no financial implications for the State.