

PUBLIC NOTICE MODERNIZATION – Rep. Brandy Pyle
House Political Subdivisions Committee
January 19, 2023
2 p.m.

Good afternoon, Chair Longmuir and Political Subs committee. I am State Representative Brandy Pyle from District 22. I am here today to introduce HB 1197 which modernizes state law on public notices.

The newspaper industry that existed when public notice laws were enacted is evolving. There are fewer newspapers, and they have less print circulation. Many newspapers have moved to a hybrid model of print and electronic publications, as the rise of digital media continues to transform the way people access news.

These changes should be reflected in the public notice laws that were largely enacted before the digital revolution. Despite this revolution, though, the founding fathers’ principle of transparent government that is accountable to the citizens remains.

House Bill 1197 makes a disciplined step in the right direction. By amending the definition of “publish” to include both the print edition and “e-edition” of a newspaper, this bill gives the option to publish public notices online, where many North Dakotans consume their news. The bill also helps government and citizens more easily meet public notice requirements, as many newspapers produce e-editions more frequently than print editions.

E-editions are more frequent than print editions:

MULTI-DAILY NEWSPAPERS	PRINT PUB DAY	E-EDITION PUB DAY
THE BISMARCK TRIBUNE	M - Sa	Every day
DEVILS LAKE JOURNAL	T, Th	T, Th
THE DICKINSON PRESS	W	Every day
THE FARGO FORUM	W, Sa	Every day
GRAND FORKS HERALD	W, Sa	Every day
JAMESTOWN SUN	W, Sa	Every day

MINOT DAILY NEWS	M - Sa	M-Sa
VALLEY CITY TIMES-RECORD	T – F	M - F
WAHPETON DAILY NEWS	Su, T, Th	T, Th, Sa
WILLISTON DAILY HERALD	Su, W, F	Su, W, F

This bill helps state agencies, political subdivisions, and citizens to meet publication requirements more easily:

North Dakota has many public notice requirements for agencies and citizens. For example, under N.D.C.C. § 28-32-10, an agency proposing changes to its administrative rules must publish a notice of the proposed changes and the date for a public hearing in each official county newspaper at least 20 days before the hearing.

An example for your consideration: THE DICKINSON PRESS, the official county newspaper of Dunn and Stark Counties, produces its print edition *once per week* on Wednesdays. THE DICKINSON PRESS produces an e-edition *every day of the week*.

If a public hearing is scheduled for June 30, the agency must publish notice of the hearing in the paper by June 10. Because THE DICKINSON PRESS only puts out a print edition on Wednesdays, the agency must print the notice by Wednesday, June 7th. With passage of this bill, the agency may utilize the e-edition – produced every day of the week – and therefore has more opportunities to meet its notice obligation.

The newspaper e-edition bill protects publication of notices by an independent third party while at the same time recognizing newspapers’ hybrid publication model, consumer choice, and the modern search and reach capabilities of the internet. This legislation is a proactive solution for public notice.

Thank you for your consideration of HB 1197. I will stand for questions, but I believe others will be also testifying in support of this piece of legislation.