

HOUSE Political Subdivisions Committee

Rep. Don Longmuir, Chairman

SB 2069 -- OPPOSED

CHAIRMAN LONGMUIR AND COMMITTEE MEMBERS:

My name is Cecile Wehrman, executive director of the North Dakota Newspaper Association (NDNA). Our association of 73 North Dakota newspapers are **OPPOSED** to SB 2069.

SB 2069 as written offers too broad a solution to solve what remains a rare problem. It's also duplicative of NDNA's existing public notice website -- a website that is free to the public and requires no state investment.

TOO BROAD: When SB 2069 was introduced, it changed from applying only to PSC notices to **ALL UNITS OF GOVERNMENT**. That's cities, counties, schools, townships, park, fire, water and ambulance districts, zoning boards and more. **PUBLIC NOTICE** encompasses any type of publication required under state law not just hearing notices. That's meeting minutes, budget hearing notices, notices of equalization, tax increase notices, election notices, notice of tax delinquencies, surplus property sales, publication of new municipal ordinances, water quality reports, special meeting notices, and on and on. Many of these public notices are not tied to the kind of specific time constraints PSC hearing notices must meet. And while the bill makes posting on a government website optional now, discussion in the Senate Committee hearing this bill revealed on the part of some legislators a clear agenda: developing a government website robust enough to handle all public notices so that newspapers can be cut out of the process in the future.

TOO EXPENSIVE: An initial request of \$150,000 was attached to this bill on the Senate side and rejected. \$150,000 is just an estimated initial cost. Websites come with the need for maintenance and updates, too – it's not a one time cost. The request for appropriation also did not speak to the labor time by public employees to upload these notices.

Meanwhile, NDNA has maintained its own statewide public notice website since 2013 at no cost to government. This website has been stable over a dozen years, is the number one result on Google and operated by a company specializing in public notice services. Analytics from the website show 13,000 members of the public visited the site to view nearly 30,000 notices posted there last year.

NDNA is already able to immediately post any time-sensitive notice at ndpublicnotices.com, even before the notice appears in the newspaper. With an

emergency clause recognizing that website as the back stop if a newspaper fails to publish, those posts could start counting as legal notices if ndpublicnotice.com is designated as the official backstop. This would require no costly web update for the Secretary of State's meeting notice site, no additional cost for publication of the notice, and no cost for consumers.

DUPLICATIVE: A second public notice website will create confusion. Every printed notice is already required by state law to be displayed on ndpublicnotices.com. With immediate posting of time sensitive notices and the ability to transition to a system where agencies can upload directly, we can close the loop on this process and keep all public notices in one place. We offered these solutions to the PSC in an email on Jan. 21.

Before I conclude my testimony at the hearing, I would like to demonstrate a few features at ndpublicnotices.com, so you can see how it can be searched, both by key words and other parameters, as well as with the assistance of an interactive map.

-----Website Demo-----

In conclusion, missed publications are still exceedingly rare. The PSC placed 140 notices with NDNA for publication in North Dakota Newspapers last year, each in multiple newspapers, amounting to hundreds of potential fail points. In 2024 we didn't fail to print a single one.

Given that we already have a solution to fix the problem this bill was written to address, I urge you to vote no on SB 2069.

Last, I want to remind you of the research we shared with your committee earlier this session which showed the overwhelming preference for public notices in newspapers and newspapers websites over government websites. Citizens want a trusted third party to oversee government notice placements. If we're going to move in the new direction of allowing a website-only notice to qualify as sufficient legal notice, those notices belong on a website maintained by newspapers.

Thank you for your consideration.