

HOUSE POLITICAL SUBDIVISIONS COMMITTEE
REPRESENTATIVE DONALD LONGMUIR, CHAIR

TESTIMONY PRESENTED BY

MICHAEL HOWE, NORTH DAKOTA SECRETARY OF STATE

Chairman Longmuir and members of the committee, I'm Secretary of State Michael Howe. I am here in opposition to SB 2069.

Prior to this bill being introduced, I was contacted by the PSC related to their intent behind this bill. We had a neutral stance on the Senate side and simply testified that we could meet the requirements to host public notices, however we would need an appropriation of \$150,000 to support a new platform that would include both public meetings and public notice postings. Our current site, which is a public meetings notice site, was built in 2013 and is on the list of systems the agency must replace due to its age and the high costs of any changes to this existing system.

An appropriation was added to the bill by the Senate State and Local Government Committee but that was removed by the Senate Appropriations. We would be neutral on this bill if an appropriation was returned but would then seek further conversation on whether this bill is intended to impact just "agencies" or "all governments" as the law currently reads. As written, the changes would impact and require all governments – cities, counties, etc. – to also post public notices with us. I'm not sure if that was the intent of the bill sponsors.

However, we are proposing an amendment that we believe is an easier, ZERO COST solution, that would create clarity and make much more sense to individuals seeking public notice information. When a person seeks information about public notices outside of a newspaper listing, they would not intuitively go to the Secretary of State's website for information; they would typically go to that agency's or government's website for information. If the agency's website posting could be the backstop to a newspaper publishing their notice, it does three important things:

- 1) It puts information where the public would logically look for it if not in the newspaper.
- 2) It requires no one to change what they are doing currently.
- 3) It creates a ZERO COST solution to the problem faced by those here in support of this today and does not harm the newspaper relationship in the process.

We checked four of the agencies we know have public notices and all of them have websites that host this information.

- Public Service Commission
- Health and Human Services
- Insurance Commission
- Department of Transportation

Below you will find a proposed amendment that we hope you will consider as the best solution for this issue. Again, it is a zero cost, low impact solution that puts information where citizens will logically seek it. I'll stand for any questions.

25.8065.03000

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENT TO
SECOND ENGROSSMENT**

REENGROSSED SENATE BILL NO. 2069

Introduced by

State and Local Government Committee


(At the request of the Public Service Commission)

- 1 A BILL for an Act to create and enact a new section to chapter 46-05 of the North Dakota
 - 2 Century Code, relating to publication requirements.
 - 3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**
 - 4 **SECTION 1.** A new section to chapter 46-05 of the North Dakota Century Code is created
 - 5 and enacted as follows:
 - 6 **Government publication.**
 - 7 A unit of government ~~must place~~ ~~may file~~ a published notice ~~on their website with the~~
 - 8 ~~secretary of state~~ whenever the
 - 9 unit of government is required by law to publish notice in a newspaper. Unless otherwise
 - 10 provided by law, a notice required by law which is ~~filed and~~ posted ~~on their website by the~~
- ~~secretary of state~~
- fulfills publication requirements if a newspaper fails to publish the notice required by law.

PROPOSED AMENDMENT

RED TAPE REDUCTION & EASE OF BACKSTOP

ZERO COST SOLUTION – CREATE CLARITY

- Public does not think – 
- They go to the source: [INSERT AGENCY HERE.ND.GOV](#)
- Agency website already host places for public access to this
- Newspaper placement or agency website meet publishing requirement – simple backstop for issue at hand

1

PUBLIC SERVICE COMMISSION

WEB | PUBLIC AWARENESS: MEETINGS & HEARINGS



The screenshot shows the website for the North Dakota Public Service Commission. The main heading is "Public Awareness: Meetings and Hearings". Below this, there are sections for "Meeting Notices" and "Commission Meetings".

Meeting Notices:

- March 07, 2025 - 11:00 am CST
Other (72KB pdf)
Legislative Discussion
- March 14, 2025 - 11:00 am CDT
Other (73KB pdf)
Legislative Discussion
- March 21, 2025 - 11:00 am CDT
Other (72KB pdf)
Legislative Discussion

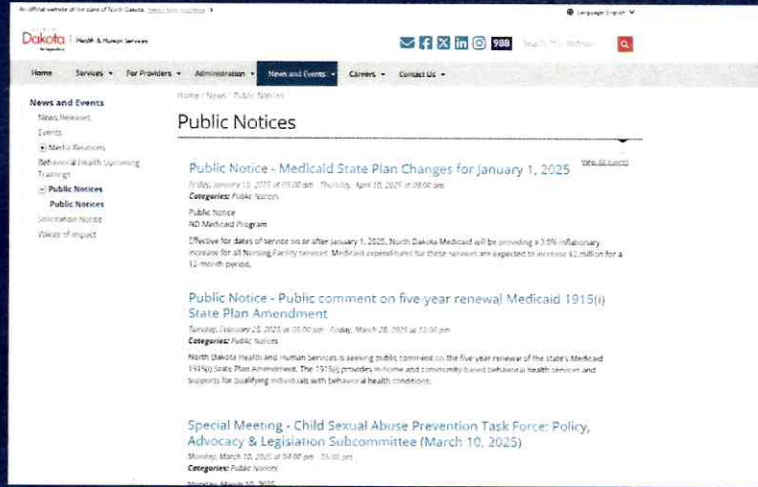
Commission Meetings:

- March 26, 2025 - 10:00 am CDT
Regular Meeting - Internet Broadcast
Formal
Administrative
- April 09, 2025 - 10:00 am CDT
CANCELLED
Regular Meeting - Internet Broadcast
Formal
Administrative
- April 10, 2025 - 10:00 am CDT
Special Meeting - Internet Broadcast
Special
Administrative

2

HEALTH & HUMAN SERVICES

WEB | PUBLIC NOTICES



3

INSURANCE COMMISSION

WEB | PUBLIC HEARINGS & MEETINGS



4

DEPT. OF TRANSPORTATION

WEB | NEWS | FILTER BY PUBLIC MEETINGS

The screenshot shows the North Dakota Department of Transportation website. The header includes the logo and navigation links: Home, Driver, Motor Vehicle, Construction & Planning, Travel & Safety, News & Events, and About. Below the navigation is a 'News' section with filters for 'News Category' (Public Meetings) and 'Location' (Statewide). Two news items are listed:

- NDDOT hosts public input meeting for I-94 project near Cleveland**
Wednesday, February 26, 2025 at 01:27 pm
Categories: Public Meetings
Location: Bismarck, Valley City
The North Dakota Department of Transportation (NDDOT) will host a public input meeting, Wednesday, March 5 from 4 to 6 p.m. to discuss the proposed grade raise on I-94 at Runner Slough west of Cleveland.
- NDDOT seeks comments on 2025 STIP Amendment**
Thursday, February 20, 2025 at 11:29 am
Categories: Public Meetings
BISMARCK, N.D. – The North Dakota Department of Transportation (NDDOT) is seeking comments on an amendment to the 2025-2028 State Transportation Improvement Program (STIP) to add three previously unpublished projects in 2025.

5

PROPOSED AMENDMENT

RED TAPE REDUCTION & EASE OF BACKSTOP

SECTION 1. A new section to chapter 46-05 of the North Dakota Century Code is created and enacted as follows:

Government publication.

A unit of government ~~must place~~ ~~may file~~ a published notice on their website ~~with the secretary of state~~ whenever the unit of government is required by law to publish notice in a newspaper. Unless otherwise provided by law, a notice required by law which is ~~filed and~~ posted on their website ~~by the secretary of state~~ fulfills publication requirements if a newspaper fails to publish the notice required by law.

6

