

Senate Bill No. 2069

Presented by: Sheri Haugen-Hoffart, Commissioner
Public Service Commission

Before: Senate State and Local Government Committee
Honorable Kristin Roers, Chair

Date: January 9, 2025

TESTIMONY

Chair Roers and Committee members, thank you for the opportunity to testify today. My name is Commissioner Haugen-Hoffart, and I am here on behalf of the Public Service Commission (Commission) to express our support for Senate Bill 2069.

Senate Bill 2069 proposes a straightforward yet impactful change. It would require state agencies to publish notices with the Secretary of State whenever a unit of government is obligated by law to publish notices in a newspaper. Importantly, this bill does not alter existing newspaper publication requirements. Instead, it introduces an additional safeguard: if a newspaper fails to publish the required notice, the posting with the Secretary of State would satisfy the legal publication obligation.

This legislation achieves three key objectives:

1. **Maintaining Current Requirements:** It preserves all existing publication mandates, ensuring continuity with current public expectations.

2. **Enhancing Public Access:** By creating a centralized repository for state legal notices and potentially offering a subscription service for updates, it provides greater transparency and public accessibility to legal proceedings.
3. **Providing a Backstop:** It mitigates risks associated with publication failures, ensuring legal processes are not jeopardized.

For the Commission, the publication of legal notices¹ is critical to fulfilling statutory obligations, including administrative rulemaking, permitting coal mines, constructing energy infrastructure, extending utility services, and implementing rate changes. These notices establish jurisdiction for legal and regulatory proceedings.

Unfortunately, publication failures can have significant consequences. Over the past few years, such issues have forced the Commission to cancel and reschedule hearings, reissue notices, or seek legal opinions on compliance with rulemaking procedures. These situations impose substantial costs and delays for the Commission, stakeholders, and the public. Our staff has had to dedicate considerable time and resources to confirming or remedying publication errors for every proceeding. Additionally, we have strategically extended notice periods longer than the law requires in order to safeguard the applicant and the agency from publication errors. This has added delay to the process, agency decisions, and permitting.

¹ Notices required under North Dakota Century Code Sections 49-22-13(4), 49-22.1-10(4), 49-03-02(2), 49-03-06(4), 49-03.1-05, 28-32-10(b), etc.

Senate Bill 2069 addresses these challenges by offering a practical solution that enhances transparency and public participation while reducing the risks and burdens associated with failed publications. We believe this measure represents a necessary, common sense, practical and prudent step forward.

This concludes my testimony. Thank you for your time and I am available for questions.