

January 9, 2025

Senate State and Local Government Affairs Committee  
SB 2069

MADAME CHAIRMAN ROERS AND COMMITTEE MEMBERS:

My name is Cecile Wehrman. I represent the North Dakota Newspaper Association and the state's 73 member newspapers. We oppose adoption of Senate Bill 2069.

The PSC is asking for a stop gap should a newspaper fail to publish a required notice, but based on our records, that's an incredibly rare occurrence that does not justify a special provision under state law.

We have not missed publication of a PSC notice since Sept. 2023.

Our record with other agencies is likewise excellent. Of 583 administrative rules placements in 2024, the attorney general's office found just 19 instances in which a newspaper notice did not run timely – **that's a .03 percent error rate.**

There already exists a process whereby the Attorney General's office can make a determination of substantial notice compliance should one of these rare instances occur. And there already exists a repository for published notices to which all newspapers are required by law to post called ndpublicnotices.com.

Senate Bill 2069 has disproportionate consequences based on the rarity of a notice failing to run. **For the first time ever, the legislature would be declaring publication of a notice on a government website as satisfactory on its own, severely undermining the role of newspapers as the conduit for public notice.**

This is the proverbial slippery slope, establishing a precedent of using government websites as adequate for public notice, when recent statewide research shows 8 out of 10 North Dakotans prefer delivery of public notice by an independent third party like newspapers rather than by government agencies on their websites.

NDNA has already implemented a more stringent process of notification to newspapers on all PSC hearings. This is why we haven't missed one of their publications in more than a year. We may have an occasional paperwork or billing issue as any organization would when coordinating as many as 5,000 public notice placements in an average year, but these do not impact the publication itself.

If any agency is unhappy with NDNA's performance they also have the option of dealing directly with each individual newspaper, giving the agency the ability to personally impress upon each publisher the importance of timely notice placement.

Thank you for your consideration and I would be happy to answer questions.

## Government Websites vs. Newspapers

**Eight out of 10 North Dakota adults (82%) believe that an independent third-party should deliver public notices versus having them only available on government websites**

	North Dakota Adults
I think newspapers as an independent third-party source should deliver this important information to the public	82%
I think government can be trusted to be the only source of public notices	18%

Do you think state or local governments should stop publishing public notices in local newspapers/newspaper websites and only publish them on their websites?