

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS 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~~ for an Act to amend and reenact section
3 46-05-09 of the North Dakota Century Code, relating to publication requirements for legal
4 notices.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

8 ~~Government publication.~~

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

13 **SECTION 1. AMENDMENT.** Section 46-05-09 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **46-05-09. Publication of legal notices on website.**

16 1. When a legal notice is required by law to be published in a newspaper, if the request
17 for publication is submitted to:

18 a. A newspaper, the newspaper also shall publish the notice on a statewide legal
19 notices website maintained by the North Dakota newspaper association and on
20 the newspaper's website in a location open and free to the public, if the

1 newspaper maintains a website, at no additional cost to the entity placing the
2 notice.

3 b. The North Dakota newspaper association, the association shall publish the notice
4 on a statewide legal notices website maintained by the North Dakota newspaper
5 association and provide an affidavit of publication.

6 2. If an insubstantial error in the notice occurs as a result of placement on the website
7 and the error is the fault of the newspaper, the error does not affect the validity and
8 effectiveness of the notice.

9 3. A notice required by law which is published on a statewide legal notices website
10 maintained by the North Dakota newspaper association or on a website maintained by
11 the proper governmental unit, fulfills the publication requirement if a newspaper fails to
12 publish the notice required by law.