

**SECOND ENGROSSMENT
with House Amendments**

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 amend and reenact section 46-05-09 of the North Dakota Century Code,
2 relating to publication requirements for legal notices.

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

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

6 **46-05-09. Publication of legal notices on website.**

7 1. When a legal notice is required by law to be published in a newspaper, the newspaper
8 also shall publish the notice on a statewide legal notices website maintained by the
9 North Dakota newspaper association and on the newspaper's website in a location
10 open and free to the public, if the newspaper maintains a website, at no additional cost
11 to the entity placing the notice.

12 2. A state agency may request immediate publication of a notice on the North Dakota
13 newspaper association public notice website and the North Dakota newspaper
14 association must provide an affidavit of the posting. The posting is considered legal
15 notification if a newspaper fails to publish the legal notice in the newspaper.

16 3. If an insubstantial error in the notice occurs as a result of placement on the website
17 and the error is the fault of the newspaper, the error does not affect the validity and
18 effectiveness of the notice.

19 4. A notice required by law which is published on a statewide legal notices website
20 maintained by the North Dakota newspaper association or on a website maintained by
21 the proper governmental unit, fulfills the publication requirement if a newspaper fails to
22 publish the notice required by law in the newspaper.