

25.8065.03006
Title.

Prepared by the Legislative Council
staff for Representative
Motschenbacher
April 9, 2025

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, the newspaper
17 also shall publish the notice on a statewide legal notices website maintained by the
18 North Dakota newspaper association and on the newspaper's website in a location
19 open and free to the public, if the newspaper maintains a website, at no additional cost
20 to the entity placing the notice.

- 1 2. A state agency may request immediate publication of a notice on the North Dakota
2 newspaper association public notice website and the North Dakota newspaper
3 association must provide an affidavit of the posting. The posting is considered legal
4 notification if a newspaper fails to publish the legal notice in the newspaper.
- 5 3. If an insubstantial error in the notice occurs as a result of placement on the website
6 and the error is the fault of the newspaper, the error does not affect the validity and
7 effectiveness of the notice.
- 8 4. A notice required by law which is published on a statewide legal notices website
9 maintained by the North Dakota newspaper association or on a website maintained by
10 the proper governmental unit, fulfills the publication requirement if a newspaper fails to
11 publish the notice required by law in the newspaper.